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Parliamentary History.

VOL. XXXII.

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THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"HANSARD'S PARLIAMENTARY DEBATES."

VOL. XXXII.

COMPRISING THE PERIOD

FROM THE TWENTY-SEVENTH DAY OF MAY

1795,

TO THE SECOND DAY OF MARCH

1797.

LONDON:

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1818.

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PARLIAMENTARY

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Parliamentary History.

35 GEORGE THE THIRD, A. D. 1795.

FIFTH SESSION
OF THE
SEVENTEENTH PARLIAMENT
OF
GREAT BRITAIN.

[*Continued from Vol. XXXI.*]

***DEBATE** on Mr. Wilberforce's Motion respecting Peace with France.*] May 27. 1795. Mr. *Wilberforce* rose to make his promised motion. He began by observing that the subject which he was about to bring before the House, was one which he had deeply considered; that he had revolved it again and again, and that he had even been somewhat confirmed in his opinion upon it, by what appeared to him to be evidently the general sentiment of the public; for there had certainly prevailed an opinion almost every where of late, that ministers were either actually negociating a peace, or were purposing to negociate. This expectation of peace had arisen, not from any terms in the resolutions of administration, or in their language in that House; for in these they had plainly intimated that they had no thought of making peace with France at present; but from the general posture of affairs, which had naturally led men to imagine that this was a time when pacific measures might be taken. Much joy had been infused into the public mind in consequence; and it certainly, therefore, became administration to show why, at such a period as this, they should not treat. He was not one of those who went the length of saying, *Vox populi vox Dei;* but he would nevertheless maintain, that the general opinion of a people should be superseded by nothing but circumstances of a very extraordinary nature, such as did not appear in the present case against it, and was entitled to a degree of respect that would have induced him, independent of his own unalterable opinion, to have made his present motion. He thought it a very important duty in every war, not only to take care that in the commencement it was just and necessary, but to look out also from time to time, for every opening which might be given for the conclusion of it; to see whether the original motives for it continued—whether our own country, whether that of the enemy, whether the state of other powers, and the general circumstances of the times, made it needful still to pursue the path we were treading. He had done so in his own mind in this case, and he would now state to the House that train of reasoning, which, in consequence of his doing so, he had naturally been led into in his closet.—The general subject of the effect of the war on our finances, population, and commerce, had been so lately discussed, that he should dwell little on those points: he would only observe, that there seemed to have been a mistake in taking so much credit for the present magnitude of our export of manufactures, when that very export was probably to be ascribed in part to the war itself; in proof of which, he quoted an observation from Smith on the Wealth of Nations, noticing the mistake which had arisen in a former war on this point. He spoke next of the navy; which, though certainly at present much superior on the whole, was not to be depended on as being always superior in every part; the French, by leaving themselves quite weak,

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either in the Mediterranean, or in the West Indies, or else by being weak at home, might contrive to be superior, if they pleased, at least for a time, in one if not in two of those important stations; and as they had no commerce to defend, they might, without much sacrifice of interest, strike, even with their fleet, a temporary stroke. When the extent of our territories also was considered, which it belonged to our fleet to defend, it certainly seemed to be too much to say that in this respect we should be left harmless and untouched.—He next adverted to the general state of the allied powers; and particularly dwelt on the Emperor's late rescript, in which he tells the German powers that he is ready to make peace with France; a rescript which he understood the Emperor signed on the same day on which he signed the treaty with this country for a loan for carrying on the war. He had heard it said abroad, that this rescript was only intended to amuse the German powers; and that the Emperor was not sincere in it, but wished rather thereby to prevent a peace; a supposition which he would not so calumniate his imperial majesty as to allow himself for one moment to make. What! could it be supposed, when the Emperor said, "that he was ready to enter into negociation," that he meant in reality to avoid a negociation? when he said that "he would consult the general interests of the empire," that he meant not to consult their interest? and when he spoke of "permanent and secure peace with the French Republic," and of "his endeavouring to accomplish so desirable an end," that he thought a secure peace impossible or undesirable? If such were the Emperor's meaning, no language could sufficiently reprobate such deceit. Besides, if this was the mode of doing away the meaning of the rescript, and we were to trust the Emperor's disposition to go on with the war on such ground, we were to trust him on the very ground of his being unworthy of trust, on the ground of his rescript being an act of duplicity to the states of Germany; and on this ground we were to presume on his being faithful towards us; and all this at the very time when we refuse to make peace with France because she would be regardless of her treaties, "being incapable of maintaining the accustomed relations of peace and amity with other nations."—But even if the words of the rescript should be explained away, the professed object of the Emperor was, to arrest a treaty which was commencing without him, by saying, that he was willing also to treat: the Emperor, therefore, declared in substance, that he thought France might be treated with. On every ground, then, he must suppose that the Emperor thought thus, and was sincere. What, then, was the state of the confederacy? Our allies were vanishing away very fast. Whether the Emperor signed the rescript in his quality of head of the empire only, or in that of king of Hungary, &c., he did not exactly know: but at any rate, he was not two separate men; and if peace was desirable for the German empire, any one who cast his eye on the map, must see that it must on the same ground be desirable for the other possessions of the Emperor also. The aid of Germany, and even of a quintuple contingent, had been stated by many declarations of this very Emperor to be absolutely necessary to the general success of the war; and now if Germany fails him, Prussia also having withdrawn, his own territory being reduced, and his army shut out from crossing the Rhine, how could it be hoped that he would make farther head against the French? As to Spain, she likewise was reported to be negociating, and her known weakness was one ground of the report. From Sardinia little was to be expected. An alliance, indeed, with Russia was spoken of; and certainly he felt disposed to commend the endeavours of government to interest her in the war; provided, however, we should not thereby draw down upon us more enemies than would be compensated for by her assistance. But even though his understanding should dictate a policy of this sort, still his feelings would follow very slowly; for he should find it hard indeed to wish success to such a power as Russia had shown herself to be.

He next adverted to the state of France; and here, he said, that some new considerations came in, which the House had never had the full opportunity of deliberating upon before. First, that she had quieted those great internal insurrections, which had occupied some very considerable armies during the preceding periods of the war. Not only the allies were lessened in numbers and in force; not only the king of Prussia had withdrawn, and the Emperor seemed likely to follow his example; not only the British troops

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were removed from the continent, while the line of frontier, both by the capture of Holland and the peace with Prussia, was exceedingly narrowed; but, on the other hand, by the quieting of these insurrections, a large accession of disposable force had been gained to the French, which they might bring at once to bear on any new point. The advantage to the French by the above-mentioned defection of our allies, and the accession to their own strength, he computed at between 2 and 300,000 men.—Next, as to the French resources. Their paper-money was much depreciated, and had fallen still more very lately: nevertheless, every thing went on as before. In America, paper-money had been depreciated during the war far below the present depreciation in France, and yet new resources had after that been opened; and the fallacy of supposing that a nation's pecuniary means must end with its paper credit, had been evinced. In point of subsistence, he had received information from persons who had arrived from France within these two or three days, that, generally speaking, they were in no sort of distress; that in Paris, indeed, bread had been scarce, but it was now less so than before; and in most parts provisions were cheaper than in England.—In the French armies there had been no sign whatever of disaffection. A general satisfaction prevailed in the country, on account of the termination of the troubles of La Vendée and of the Chouans; and some hope of peace was excited by the treaties already entered into; and whatever partial or temporary tumults might arise in Paris, the idea of a general rising in the country seemed now to be over. The general circumstances of the war also tended to make them think their troubles nearly at an end; for peace seemed to them not far distant. The conduct of foreign nations to them tended to confirm this sentiment. The duke of Tuscany's treaty with them was a small matter, when considered in the light of an additional strength gained; but it was very important in another view, namely, as a symptom of the sort of confidence which foreigners placed in them. Here was a shrewd Italian prince, who some time ago thought himself safer under the wings of the confederacy, but who now thought it was time to commit himself rather to the protection of France. The French peace with Prussia, and Sweden's recognition of the French republic, tended in like manner to increase their strength, by sustaining their reputation in Europe. He here adverted to the commotions recently excited in Paris. This was an event which he was not particularly surprised at, and if any member meant to make it an argument against a motion for peace, he should object to such use of it. We must not allow the happiness of the people of England to be the sport and play of these successive events. He had observed, on many occasions, a disposition in the House, as well as in some people without doors, to be on the watch, as it were, for some new event, and to rest almost the whole ground of going on with the war on something future, which they could not define. Every little incident was magnified by persons of this description, and turned into an argument against making peace. What would be the consequence, if France were to act in the same manner. What if her government were to urge the high price of provisions as a proof that we were nearly exhausted? What if the vast bounties given to man our navy, or increase our army should there be urged; and what if the risings which had taken place in this country should be magnified: the account of them being conveyed by persons the least favourable to our government? Would not a very erroneous judgment be formed in France concerning as to resources, and the probable period of our terminating the war, if these alone were the grounds on which the French government should argue on the subject? With regard to the probable consequences of pursuing the war, he considered them to be in their nature uncertain. Heretofore it might justly be said to be carried on in order to prevent the progress of French principles; but now there was much more danger of their being strengthened by a general discontent, arising from the continuance of the war, than from any importation of the principles themselves from France; for the nature of them had now been seen through; the spirit of Jacobinism and fraternization had subsided, even in that country, and a gradual change in this respect had taken place. One bad effect of the war was, the drawing off so great a part of the people to a military life. This was a very serious evil, tending to hurt essentially the morals of the people, and to detach them from the habits of civil life; and though no present consequences might

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be felt, yet very material ones might, at some distance of time, follow.—As to the effects of the continuance of the war on France, he was persuaded that the war tended, under the present circumstances, rather to prevent a counter-revolution than to forward one. Suppose the most successful events of war to happen; suppose Austria to penetrate into France: suppose some new Russian allies, fresh from the capture of Poland, to be united with them, and to march into that country, would not the people of France, uniting against these fresh invaders, forget their internal animosities, and be again compressed into resistance? Or, suppose these animosities to continue, we had seen already that France, though weak and disturbed in her center might still be terrible in her extremities. An idea had prevailed, that if peace should be made with one party in France, and that party should be dispossessed, the succeeding one would of course, not abide by it. This supposition seemed to him extremely ill founded. If the people were for peace every new party would court the popular favour by the preservation of it. The party at present in power was peculiarly favourable to peace, and consequently more likely to negociate on terms that would be honourable to both countries. — Wherever we turned our view, the most evident advantages seemed likely to result from peace. If, then, peace was so desirable what obstructed it? If they should see government treating for peace, would the nation feel disappointed? Were the allies unwilling? The chief doubt was, whether, if we pursued the war they would continue to join us. Were the French unwilling? He was persuaded, that if any such pacific language was held out, as that which his motion conveyed, means would be taken to try by some neutral powers, the effect of a negociation. There had been in France a growing spirit of moderation. In Bourdeaux, British property to a great amount had lately been suffered to be taken though known to be British, and that part of it which the Convention had taken for its own use had been restored in value. Hitherto our language had been, that though we would not refuse to make peace with France, even under the form of a republic, yet we were decidedly against making peace with the present men in power, and with the present republic; for we have implied, that the present government is incapable of maintaining the accustomed relations of peace amity, the present motion would not oblige government to treat; it would merely prepare the way for it.

He then proceeded to answer what probably would be the arguments advanced against the measure he recommended, particularly adverting to the objections to peace urged by government in former debates. It had formerly been urged as a reason for continuing the war, that if we would not continue it while we had the advantage of so many allies, we should in the end have to make war alone. That argument would not be pressed in the same degree at present; because that very event was approaching, not through our making peace, but through our too long continuance of the war; and if we wished to secure a future co-operation of allies, the way would be to dissolve what remains of the confederacy by consent, before it entirely dissolved itself, as the only chance of resuming it, if hereafter it should be necessary. Another argument hitherto used, would not now be repeated, viz. that we could not make peace with France without acknowledging the republic; and without acknowledging it as founded on the principles of liberty, equality, and the Rights of Man. But had the Emperor, the king of Prussia, the king of Sweden, or the duke of Tuscany in this sense acknowledged the republic? Had they signed, or proposed to sign (as all who acknowledged the republic were said to do), their own deposition? No; the treaties entered into had been mutually signed as other treaties usually were, and it had been shown that no impediment of this kind had existed. Again the safety of Europe had been declared to be a principal ground of war; but if Europe was determined to make peace as the best means of consulting its safety, did it belong to Great Britain to fight her battles for her, and to fight them alone, or almost alone? The declining resources of France had been stated as another encouragement to go on with the war; but when was the destruction of them to arrive? Their armies did not want fresh requisitions, and every thing went on much as heretofore. There was one view of the subject, which seemed so highly important that he must touch upon it. He alluded to the prospect of a general war in Europe. Russia it might be supposed would take part with us. Turkey, on the other hand, and other powers with France; and a new scene of

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the most extensive hostilities might in that case follow. Humanity shuddered at such a scene: but even putting humanity out of the question, it seemed to him in the view of dry policy, that such a course of events must be highly prejudicial to Great Britain. Who could say what might be the consequence of strengthening Austria and Russia, as their successes might do; or of the irruption of French troops into almost all Europe, if the other side should prove superior. The very opposing armies might catch the spirit of French democracy; and when it was considered that the French revolution owed its rise to a great pressure on the lower orders of the people in that country what might not be the consequence on the minds of all the lower orders of people in Europe, if a destructive war should prevail. In his opinion, the true line of policy for this country would be, to cultivate our domestic resources, to consult the happiness, the good morals, and the comfort of the lower orders of the people; and to excite their confidence in administration; to keep, on the other hand, as much as may be, from continental connexions, on account of the general uncertainty of them, the character of foreign princes, and the situation of the affairs of Europe. He then moved, "That it is the opinion of this House, that the present circumstances of France, ought not to preclude the government of this country from entertaining proposals for a general pacification; and that it is for the interest of Great Britain to make peace with France provided it can be effected on fair terms, and in an honourable manner."

Mr. *Duncombe* seconded the motion. He adverted to an argument that had often been urged, that it was impossible to have a permanent peace with the present government of France; and asked, whether we ever had a permanent peace with France, or whether, during the last half century, we at any time had a peace that had lasted for more than seven years? The fact was, that we had been continually embroiled in wars, from the ambition of that very monarchy which we were now so anxious to restore. He remarked only one difference in our present situation; formerly, we were at war with the kings and ministers of France, now we were at war with the people. He remarked on the state of the confederacy against France, and on the absurdity of any reliance on the proffered assistance of the empress of Russia. Such an offer on her part could only proceed from a strong presumption of British credulity. He considered the present motion as a call upon ministers to put a stop to the scene of misery and calamity which was now going on; to conciliate the public mind, by adopting measures to bring about a peace, and to preclude the necessity of making any addition to those burthens which had already increased to such an extent, that they could not much longer be borne.

Mr. *Windham* (Secretary at War) said, that the House had now heard the reasons urged by the hon. mover and seconder, in support of a motion so extraordinary, both in itself and in relation to the sentiments and declarations which had formerly been adopted by those gentlemen, in conjunction with a great majority of that House. He agreed as to the propriety of bringing forward questions at different periods of a war, whether, under any change of circumstances that might have taken place, it was advisable to proceed in the prosecution of the contest. The point, then, to be discussed was, whether any such change had taken place? He affirmed that no such change had taken place, or at least none which rendered peace in the present moment preferable to the prosecution of the war. He remarked that in every argument, it was necessary to consider those with whom we were arguing. In the present instance, then, it was necessary for him to consider whether he was arguing with those who, in its commencement, had considered the present war as just and necessary, or, in other words, as just, because it was necessary—who had reprobated the doctrines of the French, and wished the destruction of the system, which they were attempting to establish; or with those who had opposed the war from its outset; who had approved the doctrines of the French; who had held out the example of their revolution as most glorious; who had wished success to their exertions, and had even openly professed that the establishment of the republic was an event desirable to mankind. It was evident that the question, as taken in relation to those opposite opinions, must be argued upon grounds entirely different, and it was only to the latter description of persons that he meant to address himself. In every question respecting peace, two things were to be considered, which the hon. mover had not kept sufficiently distinct in the course

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of his argument; first, what sort of peace was to be gained; and, secondly, what were the means of gaining it? The hon. mover seemed too much to consider peace as peace. He seemed to think that the moment the treaty was signed, we should be at liberty to disband our armies; that prosperity would of course return; and that we should immediately enter upon a career of tranquillity and affluence. On that subject (said Mr. Windham), I differ from him most widely: he thinks peace, in the present moment, safe and honourable; I think it neither safe nor honourable. But here I cannot help remarking, that the hon. gentleman is a sort of constitution-monger, and that he declared, upon a former occasion, that he would give to France the same constitution as that of America. The hon. gentleman would give them a constitution, as if it was a ready-made house which could be transported without inconvenience from one place to another, and as if every government did not grow out of the habits, the prejudices, the sentiments, and the affections of the people. He would give them a constitution, as children who had surrounded a twig with a quantity of dirt, would think that they had planted a tree. Some questions he wished to ask, as to the means of attaining peace. And first, he would ask, was to express a desire of peace on the part of this country the best means of attaining it? How far ought the inclination for peace manifested by France to operate as an inducement to this country to come forward, and manifest its dispositions for the same purpose? How far would this inclination for peace in France be likely to grow and increase in consequence of our keeping aloof, and abstaining from any declaration that might indicate a reciprocity of sentiment? What change had taken place in the state of France, since the subject was last under consideration, which tended to render any negociation for peace more secure? A great change had indeed taken place, but none which rendered any prospect of peace permanent; the government was not become more durable, nor was the character of the people changed: he did not at present see any reason why they might not return to the spirit of domination and of proselytism, which had formerly rendered them so dangerous. The present boasted system of moderation acquired all its praise only from being contrasted with the former infamous proceedings of the government. It was moderate, it was true; but how was it moderate? It was moderate only in comparison with the preceding plans of terror, murder, and proscription. Compared with other governments, the government of France was still distinguished for injustice, violence, and insult; or admitting, for the sake of argument, that it were not so, was it possible to prophesy how long it might be before such a system might return?

But here let us examine in what manner this change was produced. They had been brought down to talk the language of moderation; and therefore their moderation was the result of necessity. They were relaxed in their circumstances; their vigour was weakened, and their courage crippled. If they had the desire to revive their former atrocities, they had not now the power, and it was our duty to prevent them. Their fortune had reached its flood, and was now ebbing fast away. The symptoms of decay were manifest, and the pulse that raged so violently would soon no longer beat. He remarked, that though the hon. mover had demanded a precise answer, he had not encouraged it by bringing forward any thing precise in his own statement. He had given it as his opinion, that the distress in the interior of France was not great. He had thought, that since the communication had begun to be open, there was such a body of evidence, with respect to the existence of that distress, as could not well have been resisted; and that the confessions of the extreme hardships suffered from the depreciation of assignats, and the scarcity of provisions, were too frequent and notorious to be in any degree invalidated. The hon. gentleman talked of recent reports as to disturbances in Paris, of the truth of which he seemed to intimate some doubt. They might not, indeed, be true to the extent to which they had been stated; they had, however, now been reported upon the authority of public papers, and the hon. gentleman who called their existence in question, might as well dispute the accounts of the massacres at Paris, or the ravages of the guillotine. Was it to be treated as a matter of slight report, that the mob had broke into the august body of the Convention—that the members had been forced to fly—that the head of one of their number had been cut off—and that, with the head in their hand, the mob had addressed a speech to the president of

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the Convention? Little hope would be entertained of the permanency of that government, which had not efficient means of protection and defence against such violence and outrage; and as to the supposition of these accounts being bare reports, the hon. gentleman had forgotten, that while he treated them as such, he had himself brought forward uncertain reports of a treaty of peace between the French Republic and Spain, as well as other princes of Germany.

The hon. gentleman had also considered the events that had happened since the propriety of a negociation was last discussed. Whether the conduct of the enemy was different now to what it was then, could not be easily decided: he had stated, however, that there was an increase of power on their part, and a proportionate decrease on ours, or what was nearly tantamount, that as our alliances were weakened, theirs grew stronger. One prominent object, the defection of our allies, was particularly expatiated on by the hon. gentleman. To such a declaration Mr. Windham opposed one broad leading consideration—the state of distress and state of opinions now prevalent in France. Nothing but such motions as that now brought forward, could prevent a speedy termination of the contest in which we were engaged. Here, he confessed, there was nothing but assertion against assertion, appeal against appeal. He then adverted to the reasoning employed by the hon. gentleman in order to induce the country to snatch at the first opportunity for peace. He had affirmed, that its extent of territory was too great to be protected; that its burthens were too severe to be borne; he had insinuated, that the country was come to that pitch of prosperity which it was well if it could keep, but in which every risk might be attended with fatal consequences. Such language was never heard before in that House; nor would the country have ever risen to such a pitch of honour, glory, and universal reputation as it had done, if such had been the language of our predecessors. The hon. gentleman should have recollected, too, that this reasoning was not confined to the present war, but extended to wars in future. He had openly proclaimed, that our burthens had increased to their utmost; that we had no means of defence; that our people were rebellious, and our armies ready to assist them. We had reached the climax of our grandeur, and might supinely repose ourselves, nor even attempt to support it, for it must necessarily decline. In former times, our arms protected our commerce, but now we were come to the full enjoyment of our industry, and we called upon our enemy not to disturb us; leave us as we are, leave us well; for if you do not, we are not possessed of means to defend ourselves. This was one of the arguments which the hon. gentleman had pretended to touch on lightly. He would not speak out, he said, and there was no necessity, for he was perfectly intelligible. But he could not help noticing the inconsistency which commonly prevailed in this mode of reasoning, where the arguments were shifted as occasion prompted, to suit the purpose of the speaker. Sometimes they declaimed on the loyalty of his majesty's subjects, and sometimes they proclaimed them to be nearly infected with the contagion of the French Republicans. To what could such proceedings tend, but to lay the country prostrate at the feet of the enemy? Read the various declarations of France against this country, and then judge of their inclination to induce us to make peace. In a discourse lately delivered to the convention they state, "that they will make no concessions to Great Britain, nor will they offer any terms of accommodation. They are not afraid of war, and are therefore determined to continue it until they have reduced the pride and power of this haughty country." Were we to sit down contented with such indignities, such insults, and such aggravation? And here was another odd inconsistency in the arguments on the other side. When they vindicate this conduct, they assert, that the war produces these atrocities; but when they argue for peace, then they say, "Leave them to themselves, and they will destroy one other." What then will be the situation of France when peace is made? There will be an internal dissention in their government, which must ultimately produce a popular commotion; the armies, too, will return, and assist to keep up the internal warfare. If we have sagacity enough to discover that such must be the consequences of their making peace, may they not have sufficient sagacity to perceive the same, and will they not instantly seek new wars to keep their armies employed, and prevent such calamities. The fact is too notorious for comment. How could the hon. gentleman delude himself so? Does he not know that with such a govern-

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ment, so feeble, so precarious, so insecure, we can have no stability? And does he not know that if the war should be renewed, after an interval of peace of the shortest duration, that it requires a greater impulse, a greater energy throughout the nation, and is attended also with a greater expense? For it is in moral as in mechanical powers, a strong force is necessary to put the machine in motion, which continues its velocity with little aid.—The hon. gentleman had reminded him of La Vendée and the Chouans. Now let the gentlemen opposite recollect the language they have used compared with the event. Let them remember that they tenaciously insisted that France had but one sentiment. The hon. gentleman will call to mind, too, what he formerly said; "Do you count on Brittany and Normandy?" Yes, the executive government did count on them, and proposed to adopt such measures as would better facilitate that event which was so universally desired. When dissentions were said to exist in the internal state of France, it was asked where? At Lyons, Marseilles, Toulon, and La Vendée; and well would it have been for this country if she had immediately taken the proper advantage of those dissentions, and converted them to her purposes. They were lost, however; though it might be said they could not have been lost if they were not possest.—He then reverted to the hon. gentleman's statement of the condition of Marseilles, and observed that it was not because that under such a tyranny as that of France dissentions do not show themselves, that we are to conclude they do not exist. We might have had reasons to know their existence if we had acted with becoming caution, and instead of one La Vendée. we might have known that the whole of France was becoming one entire Vendée He then referred to the subjugation of the Vendeans and the Chouans. At one time, it had been asked, have you any friends in France? Has the new system any enemies? Are not all the people of that country united in the same sentiment? The boast which was now made of the triumph over the insurgents proved the reality of the danger which had once existed. But, though these people had submitted to hard necessity, it was not to be supposed that they had all at once changed their sentiments: and it proved also, that there still existed a body of good sentiments in France. The first argument of the hon. gentleman was, that peace would establish the power of those, who now preside in France. And what sort of an argument was this? Would it establish the power? Was the hon. gentleman prepared to say, that the change of government had so far changed the evil, as solely to have produced the alteration in his sentiments? If it could, why could it not have done before in the administration of the bloody Robespierre? According to their mode of reasoning, war could be reduced at any time to a scale of profit and calculation. Stating generally his opinions on the subject, he saw the motives for continuing the war the same—the prospects better.—Another objection against the motion was, that if it passed, the House would thereby take the management out of the hands of the executive government. This the House had certainly at times a right to do; but then it was usual when they assumed that right, to apply to his majesty to displace the persons in whom the trust of the executive government was lodged. Fortunately, the motion was not yet adopted. But, nevertheless the charge of inconsistency and rashness, if not something worse, was attached to it; for the hon. mover was the friend of the minister, and had pronounced many elogiums upon him. He relied, he said, on his talents, his integrity, and his judgment; he praised his general capacity, and he esteemed him as the properest person to be at the head of affairs, but here comes the difficulty.—However great his general capacity, his judgment, his integrity, and his talents, and however fit for administration, he was not fit to conduct the business of the state and therefore the hon. gentleman proposed to conduct it for him. He would not offer to displace his friend, but he would undertake to manage measures for him. Did he think the minister would authorize him to perform his functions? The hon. gentleman would allow for these interrogations by the part he had taken himself in the debate of that evening. He must know, that in all public affairs they were bound to follow their duty in preference to their friendships; and for his own part, Mr. Windham said, he had sacrificed friendships that were dear to him, to his public duty, and he did it because he loved to follow right, thought it be sometimes difficult to find where it lies. The hon. gentleman had done so too, though Mr. Windham disapproved of the mode in which he had done it. A Christian

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conscience was understood to be connected with humility, but the hon. gentleman had been opposing those of whose integrity and abilities he entertained no doubt and with whom he was bound in the close ties of friendship. Now he wished to impress on the hon. gentleman's mind, that he was playing a deep game; for if he was not the preserver, he was the undoer of his country; and if he did not obtain the posthumous fame he so virtuously desired, he would be transmitted to posterity with eternal execration. He wished him to consider too, how far he conformed himself to the sentiments of those whose mode of thinking he had been accustomed to oppose; or how far he adopted new opinions of his own. There were two things to confirm a man's judgment, the concurrence of his friends, and the dissent of his enemies. Now, the hon. gentleman had been played at great odds, for he had not only the dissent of his friends, but the approbation of his opponents. He had the odds against him also in another way. In every exclusive public concern, but more particularly in a war, and still more in a war like the present, there was a knowledge in the executive government which could not be possessed by others. Of this he had just given an instance, though opposition would neither give the executive government credit for their good intentions nor their judgment. It was not grateful to him to examine opinions, though he did it to fulfil his public duty. If the hon. gentleman thought his measures fatal, he thought the hon. gentleman's no less so. Such opinions he conceived, if listened to, were highly dangerous, and if not listened to, they were so in a smaller degree. Admitting that the hon. gentleman's were the best opinion he asked him whether he expected them to be followed? What then it might be urged upon the other hand, are you never to bring forward any motion because there is a probability it will not be followed? What then becomes of the freedom of debate? Not so: an attempt in itself to do good may be made, though others think it will not do so. But did the hon. gentleman think, that when persons like those in the executive government had formed their opinions coolly, and with due deliberation, that his arguments could change them. Perhaps he hoped for something intermediate? He had heard the hon. gentleman talk of a general objection to the war, and of a general sentiment entertained by the people that a peace would speedily be made by the administration of the country. If such a peace were made, they ought all to rejoice, but not otherwise, for it would then be obtained as it ought to be. On the other hand, what did the hon. gentleman propose? A peace by himself in opposition to administration. The best argument in answer to such a proposition was a review of history. The hon. gentleman had taken occasion in the course of his speech to extol the blessings of peace, and to deprecate continental connexions. With respect to the blessings of peace, abstractly considered, there could be but one sentiment: as to the utility of continental connexions, he referred him to the testimony of the history of the country for many centuries past. Were we to be supposed to be arrived at that period in which we were to lose all regard for military character, and seek only to retain our former acquisitions. Were we to renounce all views of general policy, and attend only to the claims of petty gain, and mercantile advantage? Were we to forfeit our reputation for national honour, and a generous concern for the welfare of Europe? It might be honourable, in the opinions of some gentlemen, to steal out of a war as others had done; but it would be degrading to the British character justly celebrated for its honour and integrity. Great Britain had no wish to imitate the republic of Holland or the duchy of Tuscany, but left them the virtue. How different was the conduct the hon. gentleman had recommended to that pursued by king William, who judged the interests of this country to be so closely connected with all Europe, that he encouraged every alliance whereby she rose in the scale of empire; and of this Mr. Addison was sensible when he wrote his fine eulogium:

"His toils, for no ignoble ends design'd,
Promote the common welfare of mankind;
No wild ambition moves, but Europe's fears,
The cries of orphans, and the widows tears;
Oppress'd religion gives the first alarms,
And injur'd justice sets him in her arms;
His conquests freedom to the world afford,
And nations bless the labours of his sword."

Whether the hon. gentleman had not brought forward his motion to interpose, because the French government was faint and languid, and her motions wild and irregular, he could not determine; but he reminded him, that such an enemy might be dangerous even in her last convulsions.

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He then entered into a variety of arguments, on the fatal consequences of the motion, as tending to influence the opinions of persons at home, and to strengthen and encourage the hands of the enemy. He said, that the cry of peace proceeded from the Jacobin party in the country; and that though every one who wished for peace was not a Jacobin, yet every Jacobin wished for peace. He concluded with moving, "That the other orders of the day be now read."

Mr. *Fox* began by observing, that the right hon. gentleman had introduced so much personality into his speech that it was not easy to answer him. He did not think that he had behaved perfectly ingenuous towards him; and he was of opinion, that the remark that had been made, that the motion being supported by him, and those with whom he acted, was a *primâ facie* argument against it, did not appear to him to be quite candid. He should have thought that it would have been more fair to have left the subject to the common course of debate, and he owned that there did appear some degree of cunning in reducing himself and his friends to the necessity of speaking, when it had been asserted, that their support could not be beneficial to the motion. Extraordinary as the treatment had been that he had experienced of late years, he confessed that he had never been so surprised as at that part of the right hon. gentleman's speech which was more immediately personal. He had said to the hon. mover of the present question, "What, will you differ with him with whom you have always agreed?" Had the right hon. gentleman, in putting this question, forgotten some recent transactions? Nay, he had gone farther, and had said, "Will you be so bold as to agree with the persons opposite to you when you look round on the persons near you?" Now, there was something so singular in this, that he could not avoid being extremely astonished at it. He observed, however, that in putting these questions the right hon. gentleman had looked straight forward, as if he had been afraid to look towards his colleagues. Of the majority that the right hon. gentleman expected would support his motion, how many members were there, he would ask, with whom that right hon. gentleman had formerly agreed on great political topics? Why was he so destitute of fair reciprocity as to be unwilling to allow the same liberty to one side of the House as to the other? The right hon. gentleman had then gone on to ask, for what purpose the present motion had been made? And whether the hon. mover expected to carry the House with him? With respect to the latter question, he believed that the hon. mover entertained no such expectation; but the purpose of the motion was, to discuss that, which ought frequently to be discussed during a period of war; and to show the people of this country that there were persons in parliament ready to defend the rights of the people, and to avert the calamities with which the nation was threatened by an obstinate perseverance in a disastrous and hopeless system. Ministers, it was now urged, had possessed a better knowledge of La Vendée, than he did, and a most useless piece of knowledge, he must confess it had been to them. Was it expected, it had been asked, to convince those ministers? To attempt to convince those whom nothing seemed to convince, was a task, in his opinion, which no man would be hardy enough to undertake. No one who knew their temper, would suspect that they would become suicides of their places from any principle of conviction—

> For Plato's fancies, what care I?
> I hope you do not think I die
> For Plato's fancies in the play,
> Or any thing that he can say.

The House was again called upon to repose confidence in ministers, in the third year of the war, when ministers had completely failed in their promised protection of Holland, of the West Indies, of the friends of royalty in France—in every profession or promise upon which they had demanded confidence. They talked of the glory of our arms under their direction. He wondered they had not read our history, and taken the trouble of comparing any period of it with the losses, disasters, and retreats of the last campaign—retreats not imputable to our officers or soldiers, but to a miserable system which rendered their skill unavailing, and their valour of no effect. Ministers still talked of discontents in France, and appealed to what had happened in La Vendée, Marseilles, Lyons, and Toulon. As far as appeared, the discontents in the three last-mentioned places were the consequence of one party in the convention being overpowered by another; but if they were not, what advantage had minis-

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ters derived from them? They got possession of Toulon, which they were soon after compelled to abandon; Marseilles, Lyons, and, last of all, La Vendée, were compelled, or induced, to submit to the Convention. If they meant to adduce, as an argument in their favour, every opportunity of which they had made no advantage, it was impossible to say where they would stop. It had been said by the right hon. gentleman, that the opposers of the war asserted the discontent in La Vendée to be trifling. He had said no such thing. He had taken the subject on the minister's own showing. He had said, that if discontent existed, the ministers had proved that they could make nothing of it, and that therefore he had a right to take it for granted that no discontent did exist. But, were the House to hear ministers confess, at length, that the insurrection in La Vendée was formidable? Where was the ancient spirit of the House, if they suffered ministers to acknowledge that they knew of the extent of the discontent in La Vendée, and that they had not made use of it? He wished the right hon. gentleman, when he talked of the motion as tending to remove ministers from their situations, had recollected the debates in *that House about* Oczakow, of which the *right hon. gentleman* might say, "Quorum pars magna fui." Had the right hon. gentleman been always so alarmed at such an idea? And yet he had said with some asperity to the hon. mover: "You approve of the abilities, and have a high opinion of the judgment, of the present ministers, and yet you wish to take the government from them." With this subject he had nothing to do; but then it had been asked, "Do you think the minister will consent to stay in office after his measures have been abandoned?" The House from this might be tempted to think that measures had always been the object of the minister's care, and that he had been totally indifferent to place and power. Was this the case? Had the House no example in the Irish propositions, or in the more recent case of Oczakow? Did not a minority make a minister abandon a measure to which a majority acceded? This, therefore, was sufficient to show that it was impossible to drive the minister out of his measures without driving him from his place. The present question had not yet been disposed of, and the motion for the other orders of the day, seemed to say that the House ought never to dispose of it.

At the commencement of the war, the argument was, that if we did not engage in it, other powers would withdraw, and we should have to sustain the whole force of France alone. This argument was now destroyed as far as Prussia was concerned, and nearly so with respect to the Emperor of Germany. Ministers thought proper to pass by the Emperor's rescript to the diet; but did they mean to contend that his declaration of his being ready to enter into negociations with the French republic, was such a declaration as his ministers would have made, such a declaration as a British minister would make to parliament, while the direct contrary was meant? If the Emperor was ready to negociate with the French republic, what could be our objection to negociate? On looking to the rescript, the House would see that the Emperor was willing to treat, not with such a government as was capable of preserving the accustomed relations of peace and amity, but with the republic of France. Was this a fair rescript? Or did it resemble some declarations made by British ministers to the parliament to deceive and delude them? Was the rescript considered only as acting in the true spirit of the alliance? Of the candour and humanity of kings and princes he had heard much —not in his opinion very discreetly—said; but he hoped that the rescript was not issued for the purposes to which he had alluded. Did there remain now, he would ask, one of those objections that had been formerly urged and urged with such triumph? Not one. But Prussia, it had been said, had stolen out of the coalition. Of the court of Berlin he was not certainly inclined to be the panegyrist; but the least objectionable part of the conduct of that court was, in his opinion, the conclusion of a treaty of peace with the French republic. But was it fair and manly in a British minister to talk of Tuscany stealing out of the alliance? Was not Tuscany neutral at the commencement of the war? Had not her neutrality been approved by the Emperor and Great Britain, and did not the grand duke hold his dukedom by his neutrality? Had not this country acted with the most monstrous injustice towards him? Was it, therefore, decent to talk of his slinking out of the war?—a mode of conduct that had made him the darling of his subjects, and had produced the most beneficial consequences to him. But were these the only powers that had or would make peace? Had not the land-

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grave of Hesse and the elector of Saxony made peace? Whether the king of Naples had, he knew not; but of this he was certain—that he would as soon as he was able. Were not these strong arguments for the recognition of the republic of France? It had already been proved, that none of those formalities had been required of acknowledging the republic on the principles of liberty and equality. That the French were desirous of peace, was generally believed; that they had no objection to treat with a monarchy, had, it was understood, been declared to sir Frederick Eden; but what was more important than any declaration was, that they had actually concluded a treaty with a monarchy, and with a monarchy to the form of which they could not be supposed to be very partial.

It had been asked, what Holland had gained by her disposition to negociate early in the war? What, he would ask, had Holland gained by the protection of the allies? The spectacle of the retreat of the British troops through her provinces, and the necessity of being obliged to treat with a French army in possession of her country. Of the conquests which we had made in the West-Indies, nothing now remained but a single post in St. Domingo, another in St. Lucia, and the island of Martinico. It was for the House to determine, whether these precarious acquisitions were worth the hazard to which we had put all our other possessions in that quarter. With respect to the recent intelligence of insurrections in Paris, it ought to have no effect on the decision of that House. The fall of Robespierre, the rise of Tallien, the massacre of the Girondists, and the triumph of their successors, only led to this salutary lesson, that the internal schisms of France bore no relation to their foreign contests. The system of terror was destroyed on the 27th of July: and mark what had been the progress of the French arms since that period. Were not their successes in every quarter more than sufficient to counterbalance any hopes to be conceived from a late insurrection in Paris? Ought not what we had seen to teach us, that unstable and convulsed as the French government was within, its power of exertion outwards remained, and that whether terror triumphed over moderation, or moderation over terror, we had nothing to gain by the change?

He was accused of having approved of the French revolution, as if, by necessary consequence, he had approved of the cruelties of which it had been made the pretext. He approved of overturning the despotism of the Bourbons, which had long been the oppression of France and the disquiet of Europe. The accursed confederacy of despots, for by no other name could it ever pass his lips, had given birth in the first instance to all the suspicion and consequent massacres which had taken place. Six years had now elapsed since the memorable era of the French revolution. He had, in the first instance, given his commendation to that event, which had overthrown the tyranny of the Bourbons. That tyranny had stifled the industry, and suppressed all the energies of a great nation. He was therefore entitled to speak of its subversion as of a glorious event. But his approbation of French principles thus far, did not include his sanction of French acts. He approved of the resistance made by the parliament of 1645 to Charles 1st: of the conduct even of Cromwell in the first instance; but although it was impossible to compare that great man with the men who had raised themselves to power in the French revolution, was it to be inferred that he approved of Cromwell's usurpation any more than of their cruelties? He had never said that the French, if left to themselves, would destroy one another; but this he had said, that if there was any prospect of restoring royalty in France (whether or not that was now an advisable thing he would not then argue), it must be when the French were left to decide for themselves. What was the period in which parties in France were abandoning themselves to domestic contests? Was it when the duke of Brunswick was in the plains of Champagne? Was it when the allies were in the plains of Cambray? No: it was when every foreign enemy was removed to a great distance, and their arms were triumphant on every part of their frontier. When the allies talked of giving them a constitution, royalty had the odium of being supposed to aid the foreign enemy: when they had no foreign enemy, that would be done away. We were not to give them a constitution, but to restore their old constitution—in other words, their old despotism, the very thing they detested. To attempt giving to any country a constitution, was detestable; every country had a right to frame its own. We were not making war for any interests of

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our own, it was pompously asserted, but on motives of beneficence and justice, for the interests of Europe. There might be chivalry in succouring those who called for succour, but the chivalry of succouring those who said they did not want it, was madness. Who called upon us to continue the war? Did Prussia or any other of our allies? No. But we had got a new ally, the empress of Russia. She, however, was one of our earliest allies in this business, and instead of her not doing any thing in consequence of a new alliance the novelty would be, her doing any thing in consequence of the old. If he were her advocate, as he had once been called, he should say that she had contributed more than her share to the purposes of the grand confederacy. She had completely extinguished Jacobinism in Poland, which, but for the arms of Great Britain, she could not have done; and this was all she would do.

Instead of appearing in an honourable, we exhibited ourselves in an odious point of view, by continuing the war. France was inclined to peace; the allies were inclined to peace; neutral powers wished for the restoration of peace; and Great Britain alone was shaking the torch of discord. It was said to be a boldness on the part of the hon. gentleman who made this motion, to take the reins of government from the hands of ministers. It was, in his opinion, a more daring boldness in those ministers, who, for the purpose of suppressing a few speculative opinions, would deluge all Europe with blood, involve the whole world in war, and extinguish the social happiness of the human race. The right hon. gentleman had said, that none but Jacobins cried out for peace. The fact was widely different. The industrious manufacturer, overloaded with taxes, cried aloud for peace. The Jacobins, as those men were termed who wished for a radical reform, looked on ministers as their best friends, and relied only on a continuance of the war, for a full attainment of their favourite object. Such Jacobins were not numerous, but even in the city which the right hon. gentleman represented (Norwich), as many as there were refused to sign a petition for peace, because they said that the continuance of the war and of the present ministers in office, tended most effectually to promote their views. But supposing the contrary to be the fact, and that every disaffected person wished for peace, was that a reason why this country should continue to make war? Was it to be continued, he would ask, in another point of view,—in full reliance on the judgment of ministers, on a confidence to be given to men, whose conduct, in his opinion, was the weakest and the most contemptible that had ever disgraced a falling country.

The right hon. gentleman had alluded to America. Did not gentlemen see similar features in these two unfortunate contests? There was a loyal party in America, as well as La Vendée. The loyalists and the royalists, Mr. Fox observed, tallied even to the minutest point and hence hopes had been fostered by ministers. In the last year of that war, it was debated, whether or not the American republic should be recognized; and it was urged, that if this were done, the sun of Britain was set for ever. Was not all this conduct the same on both questions, the American war and the present war? But suppose our present objects, if fixed objects we had, to be fully attained. Suppose Louis 17th seated on the throne, and the emigrants restored—was it to be expected that France would be quiet? No. The smallest knowledge of history forbad such a supposition. Could we, under the restored race of the Bourbons, expect a better faith? No. The present government of France, however unstable it might seem, offered more security from the publicity of its councils, than could be expected from the dark secrecy of any despotism. In this it bore a near relation to the British constitution; and hence a reason arose in his mind for liking it. At all events, he contended that there was as much cause to expect fidelity from the French as from any of the princes of Europe. The terms of the Austrian convention, he observed, were to be debated the next day, and therefore he forbore saying any thing on that head at present; but when the emperor declared his readiness to negociate with France, ought we not to hesitate? What evil could result from our recognition of the republic, now that it had been recognized by the Emperor? Were we to refuse merely because Holland was at this time in the hands of the French republic? Those who had used this argument with respect to the Netherlands, should say, when that peace was to be expected, which must be preceded by the re-conquest of those countries. He would quote the sentiment of Mr. Burke in the case of

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America—"Try peace and conciliation, and if that fail then pursue war." The evils of war we had felt; the evils of peace were only matter of some men's speculation. Was it fit, then, to advance speculation against experience?—Mr. Fox concluded by saying, that he felt indebted to the hon. gentleman who had introduced this motion, because the oftener the subject was discussed, the more he was convinced the war would be disapproved. He thought that peace and conciliation could never be suggested too frequently. If these failed war was still within our reach, but the latter might possibly be continued until the proffer of conciliation was made in vain.

Mr. *Pitt* rose and said: I shall certainly endeavour, Sir, to confine what I have to say to the real point under consideration, and must stand excused if I do not follow the right hon. gentleman who spoke last, in many of the points to which he adverted. I impute no blame to my hon. friend who has made this motion, though I lament and deplore that he has done so. He has acted, no doubt from the fullest conviction that he was discharging his duty to his constituents and to the public at large. A great deal has been said this night about Holland being lost, without taking into consideration all the circumstances that belong to the case. It is not my business at present, but at any other time I should not be unwilling to discuss, whether it was not of immense advantage to Europe in general, that Holland was not added to France without a struggle, and which, but for the interference of this country, would have taken place two years ago. This union, after a long struggle, unfortunate I admit in the issue, has been formed chiefly from that country indulging unfounded hopes of peace, in a treaty of alliance, which has ended in their having been invaded and conquered; in their having submitted, being promised protection and having been defrauded of four millions of money. Perhaps it may be better for them in the end, but it is certainly better for the state of the world, however unfortunate it may be for the inhabitants of that country, at the present moment, that they were united to France after a severe and unsuccessful struggle, and when Holland is no great acquisition to France, instead of being added to her, as a great accession, when she was in the zenith of her power. It has been argued this night, that this country entered upon the present just and necessary war with a great and powerful confederacy in Europe: and I admit that this confederacy is narrowed and diminished. But I would ask, whether, in discussing the question of peace and war, we have not furnished them with grounds to argue upon, which it is impossible they could have had without the existence of that confederacy? To look for negociation at the present moment is premature, though I look to it at no remote period. I have no objection, were it connected with this business to follow my hon. friend and the right hon. gentleman, to the West Indies, to examine the efforts that have been made by this country, and compare them with those made in any former period; from which we should clearly see, whether greater exertions had ever been made, and whether the distresses in that quarter had not been aggravated by a great mortality, and other accidental causes.

But I come to the question immediately before us. I beg leave to consider what that question is, and I must say, that my hon. friend, in making his motion suffered himself to be deceived in the manner of stating it; and this pervaded the whole of his argument. His statement was neither more nor less than this: is a peace on fair and honourable terms preferable to the continuance of the war? We should not have been debating here so long if this were the question; about this there can be no difference of opinion. But the question is, whether a peace on fair and honourable terms, which is the end of all war, is more likely to be attained by negociation at the present moment, than by a continuance of the war? Are you more likely to arrive at a better and more secure peace with a reasonable prospect of permanency on fair and honourable terms, by a continuance of the war with energy and vigour, till a more favourable opening presents itself, by taking some step or other to encourage and invite negociation? That is the question which puts away at once all the declamations on the advantages of peace, which nobody in this country will deny;—where the rapid effects of peace have healed wounds, infinitely greater than any we have experienced since the commencement of the present war, in repairing losses far more affecting the prosperity of the country than any we have sustained, and which were so vigorously experienced in the interval of a few years, as

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to make us almost forget the calamities of former wars.

Sir, that being the state of the question I mean to submit to the House, that at the present moment, perseverance in the contest is more wise and prudent, and more likely in the end to effect a safe, lasting, and honourable peace, than any attempt at negociation. My hon. friend does not choose to state that this country ought to take the first steps to peace, and he claims great merit for his moderation in not going so far, but only that ministers ought to receive overtures. I beg leave to submit, whether this be not only taking the first step, but doing it in the most exceptionable manner. To say it is not an overture on our part, if we have received no intimation whatever from the government of France to treat, to say we shall be glad to treat, is what no man living will contend. Where the overture comes from the legislature of the country, it is attended with a degree of publicity which the right hon. gentleman admits is one of the merits of our constitution. But surely this mode of making overtures of peace is not the most convenient, inasmuch as it makes known the whole terms of peace to the enemy. It *leaves no will to* ministers to take advantage of any favourable circumstances that may occur. For that reason it is that the legislature does not usually interfere in such transactions, as the true state of the transactions is only fully understood by a few, and therefore it has been wisely committed to the executive government. Why has this country, which is so jealous of its rights and liberties, entrusted such prerogatives to the crown? Why is the making of peace and war, and other prerogatives which form the happiness of this constitution, entrusted to the king? Because it has been found, that the power of parliament was sufficient to prevent the royal prerogative from being carried beyond its proper limits. I say the question is then, whether you will step forward, and assume this power of the crown at a crisis of peculiar delicacy?

The right hon. gentleman who spoke last, was of opinion that the French convention, from the publicity of its proceedings, bore a nearer resemblance to the British constitution, than the constitution of any other country. In this comparison, I trust, it was not meant to be carried any farther, as if the interests of this country were to be discussed in one popular assembly. I hope the right hon. gentleman is not so much in love with France. I think the right hon. gentleman took up that idea rather hastily. I am by no means certain, nor is it worth while here to examine, whether a despotic government, or an anarchical republic, like that of France, most nearly resembles the constitution of Great Britain, which is removed at an equal distance from both extremes.

The publicity of the proceedings of the French convention, has been the source of outrage, horror, and disgust, to every feeling heart. That publicity has been a faithful recorder, and an accurate witness of the enormity of their proceedings. The question is, whether we are to take the first step towards negociation, or to go on, trusting to the executive government to take the opportunity of the first favourable moment for negociation, and in the mean time strengthening the hands of that government, to persevere with vigour in the contest in which we are engaged. We have been told, that although this question has been several times brought forward, it has never been directly disposed of; it has never been directly negatived. I contend that it has in effect been directly negatived. For when the motion was made some time ago, an amendment was made to the motion, stating, that we were resolved to persevere in the contest, trusting that his majesty would seize the first favourable opportunity that presented for treating with security. I beg to know, whether that which was done with deliberation, was not negativing the motion. Subsequent to that, this question was discussed again and again, and this House on those occasions came to a resolution, that it did not conceive, under the present circumstances of the countries, negociation was a measure expedient to be adopted.

But another question here arises. Have the circumstances and situation of the country materially altered since the last motion on the subject, or since my hon. friend first found himself an advocate for negociation? Has the posture of affairs varied since that time, so as to make negociation more eligible at the present moment than it was at any former period? I heard my hon. friend state one fact on this business, which no evidence can contradict. I heard him with pleasure state, that the situation of France was

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now so weakened and exhausted, as to make peace with that government, though not secure, yet; in consequence of that weakness, attended with a considerable degree of security. That something more of this security exists at the present moment, I not only admit, but contend that the prospect is improving every day, and that this becomes more and more ascertained; as I shall state before I sit down. But is this a reason why we should negociate at this moment? I think not. From facts that are notorious, from things known to the world, there is now a general feeling that there is, comparatively speaking, a sense of security in the country, when compared with the alarming uneasiness which some time ago prevailed. The enemy have not been able to avail themselves of their success and acquisitions, nor have they acquired solid and substantial strength. The natural anxiety of the people of this country has led them to remark the progress of the decay, decline, and ruin of the enemy, as being more rapid than they could have foreseen. When this business was formerly discussed, it was used as a very considerable argument against negociation, that from our situation then, we could not hope to treat with France on terms of equality: that our affairs since the commencement of the war were in so unfavourable a state, that we could not reasonably hope to obtain terms of equality, or any thing fair and honourable. Is not this argument very considerably strengthened at this moment, when you compare the state of this country and France? Exhausted and wearied with the addition of your own weakness, will you give up the contest in despair? We should then, like Holland, have to consider what indemnity France would expect of us. I state this as a practical objection, and wholly independent of any question on the security of negociation. Those who argue for peace, consider our situation as rendered more fit for negociation in this way:—that we have lost our allies, by which we are reduced to such a state of weakness, that we must listen to peace; and now that our allies have deserted us, it is unnecessary to obtain their consent. We formerly refused to treat with France, because we were satisfied she was unable to maintain that peace and amity that ought to prevail among neutral nations. Gentlemen have chosen to forget all the arguments used with regard to acknowledging the republic of France. We refused to treat with M. Chauvelin after the unfortunate murder of Louis 16th. We refused to acknowledge a government that had been reeking with the blood of their sovereign. Was not that an objection not to acknowledge them at that period? The murder of the king preceded but a very few days the declaration of war against this country.

The next argument is, whether you would dishonour yourself by acknowledging a republic that might endanger your own independence, and which made a public profession of principles which went to destroy the independence of every nation of Europe? I say, I will not acknowledge such a republic. The question here is but simply whether you will acknowledge so as to treat with it? It is not, nor has it been, since the commencement of the war, the interest of England, not from any one circumstance, but from taking all circumstances together, to institute a negociation with the ruling powers now existing in France.

As to the declaration of the Emperor to the diet, if it is authentic, that he should be happy to enter into a negociation for peace, I beg leave to say, this declaration must be supposed to bind the Emperor in no other capacity than as head of the empire; and I am sure they cannot, and will not state that that precludes him, as duke of Austria, or king of Bohemia, from performing any agreement he may choose to enter into, on his own separate account, in those capacities. As the head of the empire, he might, from the present situation of that country, think it wise and expedient to go beyond the line he may chalk out to himself as a sovereign prince and king, as king of Bohemia and archduke of Austria. There may be circumstances to induce him, as the head of the empire, to wish to open a negociation with France, rather than run the risk of a separate negociation, through the medium of the king of Prussia, contrary to the constitution of the Germanic body. One of the next points relied upon, and imputed as blame to ministers, was the circumstance of the war in La Vendée and with the Chouans being at an end. I do not see how that circumstance can attach any blame to government. It has been stated, that the inhabitants of La Vendée have submitted to the French republic. Whoever has conversed with gentlemen coming from France,

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has been made acquainted with the situation of the inhabitants of La Vendée and the Chouans, as well as from the Paris newspapers. They will do well to consider, whether the French government can have any degree of confidence, that they can reap the least advantage from that union. The advantages of the peace in that quarter have been entirely in favour of La Vendée and Britanny, and not of the republic; the inhabitants have gained by the treaty, and lost nothing. The republic has no right to any accession of strength from this district of the kingdom. Were they subject to requisitions? or did they furnish recruits for the army? or did they increase the treasure of the country? By the articles of their submission to the laws of the republic, if they are reported truly, they are in fact an independent government, from which what are called patriots are excluded. The state of La Vendée was directly the reverse of that of Holland; and if that country was not an accession of strength to the republic, is it not a confession of the weakness of the government, that they found themselves under the necessity, notwithstanding all their splendid success, to enter into such a treaty as a *sovereign would* never have entered into but from necessity?

There is another circumstance which has been relied upon, and which I must not pass over in silence. Among other events of the day, we see that Holland and France have entered into an alliance; and that Holland is to furnish France with twelve ships of the line, and eighteen frigates. The present state of Holland makes that circumstance more favourable for this country than we had reason to expect it would have been when Holland was over-run by the French.

The question is, whether the state of France is not so weak; whether the distractions and disturbances of the country, and the discontents of the people, are not so great, as to be likely to lead to some change or new order of things, more favourable than any that has hitherto appeared? First, as to the weakness of France. We have been told by the right hon. gentleman, that there was no appearance in France of the relaxation of its efforts; that the reign of terror ended with the month of July last; and subsequent to that period they have been as successful as ever. But surely it is not very wonderful if the operations of that great and extraordinary machine had wound up the whole of that extensive empire, by all the men who were put in a state of requisition, and by all the meretricious treasure that was amassed; if so many causes operating so long, the effects were not to cease as immediately as the causes. The effects in their operation survive the causes: but have the French acquired fresh vigour? Whoever has taken any pains to look at the number and efforts of their armies, and state of the provisions and magazines, and attends to the manner in which requisitions have been carried on; whoever reads the accounts the members of the Convention give of themselves; whoever reads their speeches; whoever trusts to their own account of themselves; —these all prove that the vigour and exertion of that country have been evidently diminishing. In the next place, look at the state of their assignats, which for a long time has been the subject of a great deal of anxious attention to the Convention. They have been employed almost in a perpetual contest about two things,—to make a constitution, and to raise their credit, by preventing an unlimited number of assignats entering into circulation. They therefore passed a decree to withdraw a certain number of them to raise their credit. The nominal value of assignats was only 25*l.* per cent. At present they are somewhat less than 5*l.* per cent. Their expenditure is incredible; last month it amounted to twenty-seven millions sterling, which is more than is wanted by Great Britain in the course of a year. This expense amounts to three hundred and twenty-four millions sterling per annum, which exceeds the whole national debt of Great Britain. The commerce of that country is totally extinguished, and a portion of bankruptcy mixes itself with every transaction. The next article is the price of provisions, respecting which I have received a great deal of authentic information within these few days, indeed I may say within these few hours; and the price of provisions is so very high, and scarcity prevails to such a degree, as must stop all great and extensive operations. In the next place, I doubt very much whether the provisions for the French army and navy will in future be so regularly supplied as they formerly have been. I have accounts of provisions being re-landed from on board some of the ships at Brest; and the city of Paris has been supplied by pittances from the army on

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the Rhine. Expressions of discontent are not confined to individuals, but are general, and such as come home to the door of every individual in France. What will be the effect of this complicated pressure, how long it may be continued, or what order of things may ultimately rise out of it, I shall not pretend to say. But I think it may produce, and probably at no great distance of time, some new order of things, more friendly to a general pacification, and to a regular intercourse with the other established powers of Europe. Such is the genuine prospect for all the countries of Europe, for an order of things more satisfactory than we have seen at any former period. It is owing to your perseverance in forcing them, and to which they are unequal, that they would willingly accept of peace. But because you have such a prospect at this moment, you are by no means certain that a safe and honourable peace could be obtained. That is, at this moment, premature; a continuance of your perseverance some time longer, will in all probability produce that happy effect.

Compare the situation and resources of this country, feeling for the burthens of the country, which must be felt by the poor and industrious to a certain extent, and deploring their necessity, as they must obstruct the increasing wealth of the country. Look also at the manufactures and trade and revenue, and compare it with the expense of the war. Compare the annual expenditure of twenty or twenty-five millions sterling, to the enormous sum of twenty-seven millions sterling per month, or three hundred and twenty-four millions per annum, the sum yearly expended by France. After you have made these comparisons, tell me whether you will lay aside your exertions, under the peculiar circumstances in which you are now placed. You have laid on taxes unprecedented in their amount, but at the same time having the satisfaction to know that they are borne by the inhabitants of this country without any material severe pressure. You are provided therefore with the most ample and liberal supplies for the present campaign. But is that the case with France? No. Every month, every week, is an additional strain of the new machine, and they are not provided with any of that enormous expense which I have mentioned, but must raise it all by forced means, by requisitions, by robbery, and plunder. I have trespassed too long on the patience of the House. I conclude by observing again, that I have to hope for a more favourable order of things, and I have no reason to be satisfied with any attempt at negociation at this moment; but by a vigorous prosecution of the war for a short time longer, we have every reasonable prospect that we shall be able to procure for ourselves a solid, permanent, and honourable peace.

Mr. *Wilberforce*, in reply, combated the charge of inconsistency: He had, it was true, supported the war; but a change of circumstances made him now wish to terminate it. He did not make his present motion from any love of French principles he detested them. He respected Mr. Pitt's opinion, and though it might have great weight in forming his judgment, yet that judgment when once formed, he could not give up, out of respect to him, whatever confidence he might place in his wisdom or integrity. However his motion might terminate he had the satisfaction to think that he had done his duty, and was not answerable for the event.

The question being put, "That the other orders of the day be now read;" the House divided:

Tellers.

YEAS	Mr. John Smith Mr. Jenkinson	201
NOES	Mr. Bankes Mr. Jekyll	86

So it was resolved in the affirmative.

Protest against the passing of the Bill for augmenting the Royal Artillery out of the Militia.] May 28. The following Protest against the passing of this Bill was entere on the Journals:

"Dissentient,

1. "Because the honourable footing upon which the militia was established, and has hitherto subsisted, is, as far as relates to the augmenting the Royal Artillery, undermined by this bill, inasmuch as it makes the militia a fund for the supply, and a drill for the accommodation of another corps, inasmuch as it reduces this constitutional force below the numbers covenanted by the country to be always kept complete; and inasmuch as it supplies the deficiencies it creates, not in the regular and creditable manner by which the militia is constitutionally to be supplied, and supplied to a certainty, but by

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the means, uncertain in their operation by which it is constitutionally provided in express terms that it shall not be supplied.

2. "Because upon the allegation of the present conjuncture, it establishes this measure without any express period to its duration, and without any clause against the precedent.

3. "Because at a moment when the temper of the times, and our personal knowledge of late events in some corps, seem particularly to recommend a vigilance in the preservation of discipline and subordination, this bill, in a most extraordinary and unprecedented manner, relaxes the authority of the commanding officers over the objects of it, by suggesting to the latter a method which at any time, &c. on any motive 'entitles them to 'their discharge.'

4. "Because the several circumstances of disappointment as to the strength of their regiments, and of degradation by the involuntary removal of their selected and most instructed men, by the replacing of them in a less certain and less creditable manner, and by converting the regiments into a recruiting fund for another corps, form an impolitic and undeserved return to such militia officers (and it has been admitted in the debates on this bill that there are many such) as have merit with the public.—And

"I conceive it the more necessary to mark my disapprobation, and express my apprehension of the consequences of this innovation, as I know the militia contains a fund for recruiting not only the artillery but every other corps in his majesty's service, much too good not to be ardently coveted, and (however the intention be disclaimed at present) I fear resorted to (as I am sure it may be upon the same reasoning), when parliament shall have once notified the principle of making the militia subservient to the efficiency of other corps.

(Signed) "RADNOR."

Debate in the Commons on the Loan to the Emperor of Germany.] May 28. The House having resolved itself into a committee of the whole House, to which the Convention between his Majesty and the Emperor* was refered,

Mr. *Pitt* said, that it did not occur to him to be necessary to say any thing at present as to the expediency of securing to ourselves in the way proposed by this convention, the co-operation of so great a military power as the Emperor. The House had already decided on that point. They had, however, reserved to themselves when the conditions should be laid before them, to judge both as to the security offered for the assistance, to the extent to which it had been stipulated, and for the repayment of the sums advanced. When the message was originally brought down it was doubtful whether, with a view to a larger sum, still more extensive cooperation might not have been required. The advances that had been already made went to the exceedings above the four millions; they amounted to about 550,000*l.* Every precaution had been taken that could tend to render the transaction safe. The security for repayment was, first, a general engagement to pay; next, a mortgage on the Emperor's hereditary revenues, to be recovered according to the laws of that country, and a deposit of actions on the bank of Vienna. In case of non-payment, the sum to be made good by this country. But the committee would carry along with them that we were guarantees for only a half yearly dividend on the accidental failure of payment. A considerable delay had taken place, which had been full of anxiety to those concerned in the speculation, as they were obliged to have their money in readiness. Gentlemen on the other side had formerly stated, that the transaction did not present a very advantageous prospect to the subscribers. Fortunately the reverse was the case. He concluded with moving, "That it is the opinion of this committee, that provision be made for guaranteeing the payment of the dividends on a loan of 4,600,000*l.*, on account of the Emperor of Germany conformably to the said convention."

Mr. *Fox* said, that when this business was before the House on a former day, they were told that four millions were to be granted to the Emperor, on condition of his providing 200,000 men for the common cause, as it was termed, but that if he should provide a larger army, there should be no objection on our part to granting him the sum of six millions; and it was added, that the Emperor had received some of this money in part of the whole loan; and at that time it was not known how the proposals would be accepted at Vienna. The fact now was, that he

* See Vol. 31, p. 1558.

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was to receive 4,600,000*l.* over and above the sums which had been already advanced to him. What was the consequence of this? Did the Emperor undertake to furnish more than the 200,000 men? No such thing; and it now appeared that the Emperor had never agreed to what had been stated to the House by the minister. Perhaps it was not criminal on the part of our government to advance the money which the Emperor had actually received but he was sure that the House ought to have better information than the minister had given them, before they agreed to a proposition which was both dangerous and alarming. There was a rumour that this faithful ally of ours had acted in a manner not very consistent with the character which had been given him: if that rumour was true, we were proceeding, without the least security that we should not be deceived. It had been said, that when the British and allied armies were in a situation of the greatest peril, and when a delay of only twenty-four hours of the Austrians would have been essential, that delay had been refused by his imperial majesty. We had continued to pay the Emperor 100,000*l.* a month after he had deserted us. When an inquiry was proposed to be made into this business, we were told there were some difficulties in the way of an explanation. He would ask, was that an answer to a House of Commons called upon to vote away by millions the public money? It was objected to by many, and by himself particularly, on the discussion of the Prussian treaty, that we should pay such large sums without knowing correctly how former engagements had been fulfilled. It had been stated, that we were not answerable for the whole amount of the loan, if the Emperor should fail; that we were answerable only for the dividends from time to time as the failure should occur. He was really too stupid to see the distinction between being answerable for the whole sum, and paying for ever the dividends that shall become due upon it. He wished to know upon what our security rested with regard to this loan. He should be answered, no doubt, on the punctuality of the payments of the Emperor. Now, there were persons, and he confessed he was one of the number, who had doubts concerning this punctuality. Here Mr. Fox read an extract of a letter from a person at Vienna, stating, that the court of Vienna had come to a resolution not to pay dividends of old loans to any persons resident in France; and to another resolution, not to pay any persons who had not emigrated from France. Sums of money were due to a religious order in France, and the Emperor said he would not pay them unless they proved they had emigrated from France; and by the second resolution, he said he would not pay them, because they happened to be in the Austrian Netherlands, at the time the French over-ran that quarter. In answer to the minister's assertion, that we had made good use of our credit, by the terms of the loan, there were two arguments against such a mode of proceeding; first, it was not honourable for the House to sell the interest of the public credit; and, secondly, if it was to be sold it should be sold for what it was really worth. He saw in this convention no stipulation that the Emperor should not make a separate peace. If peace should be soon concluded between the French and the Emperor we should have given 4,600,000*l.* absolutely for nothing. There had been something said upon the distinction between the character of the Emperor as such, and that of king of Hungary and Bohemia; that, as Emperor, he might agree to a peace with France, but as king and archduke, he might pursue the war with vigour. This was perfectly ridiculous, for whenever peace was agreed upon, one of the leading articles of the treaty must be that he should not suffer troops destined against France to pass through any of his dominions, and therefore he would forbid such troops from going through Bohemia against France. But he was afraid that all the hopes of the majority who supported this war were now in the insincerity of the Emperor, as to this rescript. Exclusive of the infamy of such a principle, he advised the House to be cautious in trusting to such a security, for he knew of no real security in the conduct of any man, if that conduct was not founded on the principes of fair dealing. What security had we that what the Emperor was doing in London was sincere, and that what he was doing in Vienna was not all duplicity? He should like to know with what face of sincerity the Emperor could come to the diet with his rescript in favour of peace, and at the same moment open a loan with this country for carrying on the war. The truth was, the diet were unacquainted with his determination to accept our loan when he published this rescript, and by the step which we

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were about to take, we were to become parties to the delusion. Whatever were the real intentions of the Emperor, this was a duplicity of a nature so detestable, that we ought to be ashamed of being parties to it.

The committee divided: Yeas, 77. Noes, 43. The resolution was accordingly agreed to.

June 3. The Resolution being reported to the House,

Mr. *W. Smith* said, that a great alteration in the affairs of Europe had taken place since the House first voted this loan. It had become a question, whether or not we were likely to obtain an equivalent for this very large sum of money? This question seemed to him to depend very much upon two considerations: first, the probability of any co-operation on the part of the Emperor in this war: secondly, the efficiency of that co-operation. Upon the probability of that co-operation he owned, that, considering the state of the Germanic empire, he thought that very doubtful, from the disposition which that monarch had manifested in his rescript to the Germanic states. Supposing the Emperor should be induced to make peace, what security had we for the payment of any part of this loan? Did any gentleman imagine that it would then be even in the power of the Emperor to pay? Thus we were going to risk 4,600,000*l.* upon a chance for which no private gentleman would give 400*l.* of his own property. He entreated the House to consider what they were doing.

Mr. *Fox* wished the House to consider the step they were taking, and how totally destitute they were of any defence of their conduct to their constituents. He alluded to a fact which he had stated when this subject was last discussed. The fact he had stated was not strictly correct; but the difference made considerably in favour of the conclusion he had drawn, as to the fidelity of the Emperor, in the fulfilment of his pecuniary engagements. He had said, that certain religious houses in France had lent the Emperor large sums of money, to be repaid at the bank of Vienna, and that the Emperor had first issued an order that the interest should not be paid to any but to those who could prove their emigration, and afterwards had issued another order that no interest should be paid at all. In consequence of this statement, he had received a letter from a friend, in which he had informed him, "that the religious houses were situated, not in France, but in the Austrian Netherlands. The bonds for the money lent belonged to English convents of nuns in the Emperor's own dominions; and it was to his own subjects that the Emperor had been guilty of a breach of faith." Such was the purport of the letter. The fact, therefore, was, that this was an aggravated circumstance in the conduct of the perfidious Emperor, and an additional proof of the solvency, as it was called, of this bankrupt bank of Vienna. With respect to the political principle of the measure, the country was to give money for assistance which was not stipulated, and which it could not enforce. His imperial majesty did not say that he would not make peace, in his convention with this country; whereas, in his rescript to the diet of Ratisbon, he had said, that he would make peace. The House, therefore, were called upon to grant the loan, without any decided assurance, that the Emperor would continue the war; and with a direct assertion of his readiness to make peace. It ought to be shown that the revenues of his imperial majesty were sufficient to repay the money, independently of the ordinary expenditure of the imperial dominions. The fact was, that a loan was to be granted, without any assurance being made by the Emperor, that he would afford effectual aid. He had, it was true, agreed to raise 200,000 men. Where were those men? And how did the country know that they would, if such a number could be raised, co-operate with this country? It appeared, then, that if the Emperor did not choose to keep his engagement, Great Britain could not force him; and that if he did keep his engagement, he might still make peace without any inconsistency. By the way, was there any man sure that his co-operation would not cease altogether, as soon as the royal assent should be given to the bill for the loan? If the House took upon itself to guarantee this loan, and should afterwards be deceived, it could not deny but it had been properly warned.

Mr. *Pitt* said, as to what had been offered in depreciation of Austrian fidelity in pecuniary engagements, it consisted of *ex parte* statements, extracted from the letters of interested individuals. As to the Emperor's decree respecting the non-payment of those who did not prove their emigration, it alluded entirely to his own

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subjects. When the rulers of France got possession of Flanders, and confiscated the property of the inhabitants, the court of Vienna thought proper to refuse certain religious societies of France, who were holders of imperial securities, payment during the war. He maintained, that for good faith, no court in Europe stood higher than that of Vienna, insomuch, that he challenged any man to show a single instance, before the present, in which it was called in question. It had been said the Emperor intended to make peace with the French. That suggestion, supposing it to be true, was of little weight against the expediency of the loan: for he put it to the candour of the House, whether there was the smallest inconsistency in the Emperor's declaring, as head of the Germanic body, his willingness to negociate for a peace, and at the same time prosecuting the war as grand duke of Austria, and king of Bohemia and Hungary. It might as well be argued, that the king of Great Britain, as elector of Hanover, should refuse his contingent, or necessarily embroil Great Britain in war; nay, every independent prince of the empire had the same power. But he would assert that Austria had often been at war with France when the empire was at peace.

The question being put, "That the said resolution be now read a second time;" the House divided:

Tellers.

YEAS	Mr. Edw. Jas. Eliot - Mr. Sargent - - -	60
NOES	Mr. Hussey - - - General Tarleton - -	35

So it was resolved in the affirmative. The said Resolution was then agreed to, and a bill was ordered to be brought in thereupon.

June 10. On the order of the day for the second reading of the Emperor's Loan bill,

General *Tarleton* opposed the guarantee, as a profuse expenditure of the public money; the stipulations by the Emperor not being likely to be fulfilled. This would be evident, if a view were taken of the relation in which the Emperor stood as king of Bohemia, and head of the empire; and the state of the continent from the defection of Prussia. What hopes were there of success, even if the Emperor's co-operation were certain? The season was far advanced, and the preparations on the part of the allies not so formidable as last year. If our past efforts, when every nerve was strained, had been marked only by failure and defeat, what could be expected from diminished exertions but more fatal disgraces? Suppose the Emperor's generals should tell him that they cannot make offensive war, must it not strike a gloom into every gentleman, that we should guarantee 4,600,000*l.* to carry on a protracted and defensive war? He thought it vain to attempt the conquest of twenty-four millions of people, and that with a view to destroy their republic, it would be better to make peace.

Mr. *M. Robinson* insisted that there was apparent perfidy in the conduct of the Emperor, and that the House had a right to be distrustful of a prince who had at the same time signed a treaty for the continuance of the war, and sent to the diet of Ratisbon a rescript, expressive of his wish to make peace.

Mr. *Lechmere* said, that the expenses of this disastrous war had fallen almost entirely upon this country, and had been drawn from the hard-earned pittance of the poor. The vast expense he could not consent to swell. It was therefore his opinion, that no loan should be granted to the Emperor. Prussia had been subsidized at a period when his Prussian majesty had explicitly asserted, that he could not find troops enow to act against the French. A subsidy had been granted to the king of Sardinia, for nothing more than defending his own dominions. The loan to the Emperor was evidently for the purpose of preventing him from making peace. To a loan for any such purpose, he should decidedly object.

Mr. *Fox* rose for the purpose of moving an amendment. The House, he said, had been told that the French were in great distress, and so he believed they were. The House had also been told that much might be done by standing aloof. His own idea of standing aloof, was to stand aloof at a peace, or at an expense not much above the ordinary peace establishment, and not at an annual expense of thirty millions. France, it had been said, was falling to pieces, and yet she made treaties of peace. Why was, therefore, a treaty with this country to prevent her from continuing to fall to pieces? The present was altogether a new system of which the ministers were the authors, they had sufficient experience of the

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conduct of Prussia, and they were now going to try the Emperor. He understood that there were to be some new allies; not new allies in point of principle, but in point of performance, and that Russia was to co-operate with this country. He wished to know why the empress was more to be trusted now than the king of Prussia, and how historians were to distinguish between Prussia and the other powers who had participated in the dismemberment of Poland? But did any man expect cordial co-operation from the Austrians? He had frequently challenged the minister to produce one general officer who would say, that any co-operation could be expected from them. Of the Austrians, it would not be too much to say, that they were as much to be trusted as the Prussians, and the Prussians as the Austrians. He concluded by moving, as an amendment to the motion, to leave out the word "now," and at the end of the question to add the words "upon this day two months."

The question being put, that the word "now" stand part of the question, the House divided:

Tellers.

YEAS	Mr. Rolle - - - - Mr. J. Gordon- - -	55
NOES	Gen. Tarleton - - - Mr. W. Smith - - -	29

June 15. On the order of the day being read for the third reading of the bill,

Mr. *Fox* said, that this measure had always appeared to him a profligate waste of the money of the people. What had happened lately confirmed him in that opinion: he meant the surrender of Luxembourg. It became the House to consider, whether, after the Emperor had lost one of the most important fortresses in Europe, every nerve which he could employ, could in any material degree be serviceable to us. This was not all: there were reports of a cessation of hostilities, and of a new alliance between this country, Austria, and Russia. He hoped, if it existed, it would be laid before the House immediately. This was, in his mind, an alarming thing. There were persons who believed that the consequence of such an alliance would be a war between the two imperial powers and Prussia. Whether such an alliance was right or wrong, he would not presume to determine. He was sorry to believe that there were some persons, who called themselves politicians, who were so short-sighted as to think this advantageous, at all events, to this country. For his own part, he could not help believing, that such a war as this alliance might produce, must involve one half of Europe on one side or other of it; and he could not avoid looking with great anxiety at the condition of so large a part of mankind, if the calamities of war were to be thus extended, and the prospect of peace to be placed at so great a distance. We were told every day of the great distresses of France; and he believed some of them: but he never could look with pleasure on the prosecution of a war, when the question between the parties was, who could hold out, and bear great distress the longest? He had heard, that with respect to our own distress, the accounts of it were exaggerated. He wished to hear a statement of facts that could lead him to believe that such accounts were over-coloured. But he knew that the distress of this country was great; and he had no grounds for believing that the distress of France was such as was not likely to be felt also in this country, and that for a considerable time, even although the evil should not in reality be equal to the accounts of it, for we all knew what mighty mischief monopoly was capable of creating. He could not let slip the opportunity of delivering his sentiments. He wished at all times that we should avoid, as much as possible, the calamities of war, always dreadful, but infinitely more so, when every part of Europe was likely to feel the want of provision. From these alarming apprehensions, he found it his duty to oppose this bill in its last stage.

The bill was then read a third time, and passed.

Debate on the Earl of Lauderdale's Motion respecting Peace with France.] June 5. The Earl of *Lauderdale* rose to call the attention of their lordships to the subject of which he had given notice. He did not mean to refer to any of those former discussions on the subject of the war, respecting which there had been considerable difference of opinion; nor did he wish, by any seeming asperity, to provoke warmth, or excite ill humour; his anxious desire was, that the question should be debated with a calmness equal to its importance. Whatever might have been the determination of that House,

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with regard to motions that had been made on the war, there were some recent events, especially the peace concluded with France by the king of Prussia, which justified him in calling now for a different determination. If they examined the present situation of this country, and the condition of our allies, their lordships must find it to be their duty to come to some specific proposition at this time, that would alter the nature of what they had already declared to be their opinion. Here his lordship took a view of our situation both externally and internally, to enforce the necessity of the House coming to a determination, that might tend to remove some of the difficulties under which we laboured in this war. Even the expense of this war would, if long continued, be our ruin; for there was not one of the allies, who must not be eventually in the pay of Great Britain, except Spain. We were now left with scarcely any ally that could be relied upon, except the Emperor; and, strange to tell, on the same day that his Convention was signed at Vienna with the king of Great Britain for carrying on the war with activity and energy, his rescript to the States of the empire was delivered to the Diet of Ratisbon, by which he agrees to negociate for a peace between the empire and the French as soon as possible. This was a line of conduct which afforded considerable cause of suspicion as to the sincerity of the Emperor's intentions; and if his intentions were not sincere, on whom could this country depend for any assistance in the next campaign? It was impossible to look to Spain as an active ally The king of Sardinia was so situated, that there was cause to apprehend, that if reasonable terms were offered him by the French, he would be ready to conclude a peace. If we looked to the powers on the continent, we should find them all subsidized by this country, and yet all eager to make peace. Even the Emperor, at the head of the empire, had confessed himself ready to do so; but, then, great stress was laid on his vigorous exertions, as king of Hungary and Bohemia. He could by no means join in this opinion, nor did he see the kingof Hungary and Bohemia could give us that assistance which would be necessary to render another campaign of the least use to this country. This double capacity of king of Hungary and Bohemia, and emperor of Germany, in which the same person acted such very different parts, reminded him of a passage in the "Critic," where the Heroine, Tilburina, while interceding with the governor her father, in behalf of her lover, Whiskerandos, says, "Can you resist the daughter and the suppliant?" The governor answers, "The father's softened, but the governor's resolved." In much the same light he apprehended the Emperor to be softened, and the king of Bohemia to be resolved. His lordship then took a view of our situation in the West Indies, and expressed great apprehensions for our safety in that quarter. It might be said that there existed no government in France with which we could treat; to which he would answer, that it would not be found in any good book on the law of nations, that a government acquiesced in might not be treated with. What objection was there to acknowledge the government of France? Every power in Europe, except Russia, whose success as a friend to liberty, he should deplore, had already done so. Nay, even we, had negociated with them, for we had proposed an exchange of prisoners. But it was said, that if any negociation was to take place, it should be left to ministers: but we had seen no wish of this kind expressed by ministers, and therefore he thought that parliament ought to interfere. He was confident the French government were desirous for peace, and he thought the parliament of Great Britain should manifest a similar disposition. He saw nothing less than the total ruin of this country, in carrying on the war. He had heard, that this was a war to support our constitution he did not believe it; for that constitution must be a bad one indeed, which required perpetual war to preserve it. He concluded with moving,

"That an humble Address be presented to his majesty, that his majesty's dutiful and loyal subjects, the lords spiritual and temporal in parliament assembled, have, during the war in which so great a part of Europe has been involved, repeatedly given every assurance, that nothing should be wanting on their part that could contribute to that firm and effectual support which his majesty had so much reason to expect from a brave and loyal people.

"That at the commencement of the present war this House saw, with satisfaction, the United Provinces, protected from invasion, the Austrian Netherlands recovered and maintained, and places of considerable importance acquired on

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the frontiers of France, and that whilst we concurred fully in the just and benevolent sentiments of his majesty's declaration graciously communicated to this House, in which his majesty has stated, that, 'it never could be his intention to 'employ the influence of external force 'with respect to the particular forms of 'government to be established in an inde-'pendent country.'* It was with pleasure we looked forward to that happy prospect of speedy and permanent peace, which the success of his majesty's arms, and the wisdom and moderation of his declared intentions seemed likely to secure. With unimpaired zeal, however, we assured his majesty, that, 'relying with confidence on the 'valour and resources of the nation, and 'on the combined efforts of so large a 'part of Europe, we would, on our parts 'persevere with vigour and union in our 'exertions.'

"That more recently we have seen with extreme concern the rapid and alarming progress of the French arms, and heard with pain, in his majesty's most gracious speech from the throne at the commencement of the present sessions, the confirmation of the melancholy 'disappointments and reverses,' experienced in the course of last campaign, and since so fatally illustrated by the subversion of one of the most respectable governments in Europe, the ancient, the natural, and the most important ally of Great Britain. With unrelaxed energy, however, we declared 'our cordial support of such measures as his majesty in his wisdom should 'think necessary,' and at an early period of this session resolved, 'That under the 'present circumstances this House feels 'itself called upon to declare its determination firmly and steadily to support his 'majesty in the vigorous prosecution of 'the present just and necessary war, 'as affording at this time the only reasonable expectation of permanent security 'and peace to this country; and that for 'the attainment of these objects this 'House relies with equal confidence on his 'majesty's intention to employ vigorously 'the force and resources of the country 'in support of its essential interests: and 'on the desire uniformly manifested by 'his majesty to effect a pacification, on 'just and honourable grounds, with any 'government in France, under whatever 'form which shall appear capable of maintaining the accustomed relations of peace 'and amity with other countries.'*

"That we now, however, approach his majesty at a moment, when in the commencement of another campaign we see ourselves deserted by some of those allies on whose powerful assistance, and co-operation his majesty during the last campaign mainly relied, and when others to protect whose interests his majesty originally interfered, are unfortunately thrown into the scale of our enemies. Thinking it our bounden duty humbly to state our conviction that it is the general opinion of his people, that no probable advantages to be obtained by continuing the war with the present state of his majesty's alliances will bear the slightest comparison with the solid benefit likely to accrue from an immediate negociation for peace.

"That without entering into a painful enumeration of domestic distresses, which as they early called forth the salutary and healing interposition of the legislature cannot have escaped his majesty's paternal attention; or without minutely detailing the difficulties which embarrass every state in Europe that now remains in alliance with his majesty, we trust that the mere suggestion of these important considerations will induce his majesty speedily to use every honourable and expedient means for restoring the necessary blessings of peace.

"That it is with pleasure and satisfaction we reflect, that a negociation so desirable in itself cannot be deemed inconsistent with any of those rules of the law of nations, which the wisdom of ages and the common consent of mankind have consecrated as the leading principles of national intercourse. 'For every nation 'which governs itself, under what form 'soever, without any dependence on fo-'reign power, is a sovereign state,' [Vattel] and the existence of government acquiesced in by the people under its control is the only feature in the condition of a country to which foreign powers for the purpose of discovering a capacity of negociation, ought to direct their attention, there being no form of government which has not shown itself capable of maintaining the accustomed relations of peace and amity with other countries.

"That if doubt should any where exist on this subject, as the law of nations itself, is a rule of action growing out of

* See Vol. 30, p. 1059.

* See Vol. 31, p. 1253.

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the common consent of independent states, it cannot fail to be removed by the acquiescence in these doctrines of so considerable a number of those powers, whose united authority forms the only competent tribunal in questions of such universal importance to the rights of nations.

"We cannot therefore reflect on the intercourse maintained by France with the United States of America, as well as with the neutral powers of Europe during the whole of the present war, on the treaties lately concluded with the duke of Tuscany, the king of Prussia, and the provisional government of Holland; on the negociations that have been carried on by Spain, and on the strong declarations of desire to negociate, recently made by his majesty's intimate ally, the Emperor, as head of the Germanic body, and seriously maintain a doubt of that capacity to negociate which so many powerful and independent states have acknowledged, and to whose decision his majesty has added the acquiescence, and in a manner the authority, of this country, by a late mission to the continent to negociate an exchange of prisoners: for we humbly conceive, that a nation cannot absolutely be thought incapable of maintaining the accustomed relations of peace and amity, which is treated with as capable of preserving and performing the stipulations which may be entered into for the humane and civilized purpose of alleviating the rigours of war.

"That we humbly beg leave to assure his majesty, that in thus anxiously recommending a speedy negociation for peace, we do not merely contemplate the general advantages which this country always derives from a state of repose and public tranquillity. But as we have seen with grief (whilst we have been occupied in considering the capacity of the present government of France to treat) successive desertions from that general system of alliance on which his majesty and his people chiefly grounded hopes of success; so if this reluctance to treat should continue, we cannot now help anticipating with poignant regret the eventful moment when Great Britain may be reduced to the sad alternative of either providing for the expenses of all the allies, or of singly maintaining a protracted and destructive war in a cause not originally her own, and in which this country was embarked with the assurances of the active and zealous support of almost every European power.

"That it is with confidence we therefore trust, that his majesty's gracious and benevolent mind will be impressed by the separate and combined effects of those powerful considerations which we the more anxiously press upon his majesty, as we approach his throne under a sincere and irresistible conviction, that the sense of the nation with whom his majesty is engaged in hostilities, as well as the disposition of its present government, affords no unfavourable opportunity for negociation; and that an ardent and universal wish for the restoration, on fair and honourable grounds, of the blessings of peace openly avowed by many of your majesty's allies on the continent, pervades with equal influence the minds of your majesty's loyal, faithful, and affectionate subjects at home."

Lord *Grenville* said, he was willing to accept of the proposition laid down in the address, namely, that a speedy and honourable peace was at all times desirable: but we had not embarked in this war on account of the Dutch, or the navigation of the Scheldt, but in consequence of an unprovoked aggression on the part of the French. With respect to an address to accelerate negociation, in whatever manner it might be disposed of, the proposal was liable to this objection, that any declaration by parliament must tend considerably to weaken the hands of government. Must not the impression made by this address be of a discouraging nature? It certainly must: and instead of strengthening the government, it would be the most effectual mode of weakening it. So far from allowing the executive government to be the principals in the business, the effect would be to promulgate the idea that parliament had thought proper to take the business into its own hands, and to take on itself the responsibility of public measures. Whatever might have been the original grounds of the war, it had now become necessary to continue it. According to the reasoning of those noble lords who raised the cry of peace, we must treat because we could not continue the war. To this he would answer, that he was as desirous of a just and honourable peace as they could be, but to obtain it was impracticable in the present moment; and could there be any thing more encouraging to an enemy than to hear parliament declare that this country was not able any longer to carry on the war? It would be impossible to place government

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in a situation in which it would be more difficult to make either war or peace, than that proposed by the noble lord. With respect to the Austrian finances, this country had found out the means of relieving them without taking any burthen on itself. It could not be denied that Austria was strong in men and military resources. In regard to the rescript, the objection made to it was, that it was issued at Ratisbon, at the time that we concluded the treaty with the Emperor at Vienna; this, he thought, did not prevent the object of the war from being happily accomplished. As to the reasoning of the noble lord with respect to the Emperor, as member of the Germanic body and king of Bohemia, it was truly ridiculous: such reasoning would suit coffee-house politicians, little read in the law of nations. It was perfectly consistent that the Germanic empire as a body should be at peace, although at the same time a particular member might be at war. The situation of France was more alarming than at any former period. Their finances were in a more ruinous situation than what he had mentioned when the question was last agitated. The noble earl had passed over, without the smallest notice, the present internal state of France, which was such, that no dependence could be had on the stability of the government for a fortnight. He trusted the House would see the impropriety of entering into any negociation for peace at present. The French were in possession of a great deal, which it would be impossible, for the safety of this country and of Europe, that they should be permitted to retain. The present situation of France was such, that there was every prospect of our succeeding to a very great degree, and therefore he should give his negative to the motion.

The Earl of *Guilford* saw clearly that ministers were determined to carry on the war, at all events, until parliament should interfere and put a stop to it. They seemed resolved to risk the existence of the country, rather than the possesion of their situations. Their excuse was, that to enter into any negociation would shackle government. He could not believe that such would be the result of a negociation, and he should therefore give his hearty assent to the motion.

Lord *Mulgrave* said, that this was certainly not a time to treat, when France was in a state of such internal dissention. Every existing circumstance proved that this was not a proper time to treat, and therefore, he should oppose the motion.

The House divided; Contents, 8; Not-contents, 53.

Debate on Mr. Barham's Motion respecting the Conduct of Sir Charles Grey and Sir John Jervis in the West Indsa Islands.] June 2. Mr. *Barham* rose to make the motion of which he had given notice, respecting the conduct of sir Charles Grey and sir John Jervis in the West India Islands. He trusted it was unnecessary for him to say any thing in his own vindication for rising on this occasion. He was aware of the manner in which accusations of that kind were generally received in that House, particularly when charges were made against characters which every one had been used to admire, and whom therefore most would naturally wish to protect. He felt also that this was a subject which was not likely to bring popularity to those who conducted it, and that several persons whom he perhaps could have expected to have joined him, would not be very ready to divide with him the unpopularity of this business. Notwithstanding all this discouragement, the subject was of such a nature, that he could not, consistently with his duty, abandon it. He was fully convinced that the conduct in the West Indies of which he complained, was such as to demand the interposition of the House, whether they considered the commercial interest of the country, or the recovery of the national honour. If he should hear any thing of delay in this business, and the delay was imputed to him, he should be ready to meet it; for although the motion with which he intended to conclude, could not, consistently, be made one day sooner than that on which he was speaking, it was necessary he should state that application had been made to ministers upon the conduct of these commanders in the West Indies, as far back as August last; but no answer had been obtained from them until the following April. And as he did not make this motion as a matter of course, but upon the ground of facts, the delay became unavoidable. The first answer from the duke of Portland to lord Penrhyn, was, that the law officers of the crown were not fully prepared to make their report upon the business. This was on the 7th of April: on the 4th of May he made his motion for certain papers to be laid before the House. When these pa-

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pers were produced he gave notice of the present motion, which he appointed for the second open day, which was afterwards deferred at the express desire of the chancellor of the exchequer. Before he proceeded to state the grounds of the motion with which he intended to conclude, he should inform the House that his motion was not for a committee of inquiry into the conduct of sir Charles Grey and sir John Jervis, and this for two reasons: one, that he was not at all pledged to make any such motion; nor could he tell what motion would be proper, until he had seen the papers which he moved for. The other, that he did not think he should obtain it if he moved for it, and that a great part of his object might be obtained without inquiry: however, if his opponents should propose an inquiry, he could have no objection. With regard to some of the proceedings of the commanders in the West Indies, they spoke for themselves intelligibly enough, and to them he should confine the grounds of his motion. Out of them he did not intend to travel, unless his opponents should set him the example. If he should be told of the service of plate that had been given to these commanders, and that this was a proof of the estimation of their services in the islands, he should answer that this was not expressive of the general sentiments of the inhabitants, but was the act of a few persons who were dependent upon the commanders. If they should say any thing of the testimonials, he should answer, that the inhabitants of the islands are now complaining in courts of justice of the conduct of these commanders—a proof that these inhabitants think their conduct illegal, as well as unfair. There was a document on the table which some gentlemen might rely upon a good deal, in the discussion of this matter. He meant the affidavit of general Myers. He had nothing to say against this officer, but he must remark, that as the document had been laid on the table without any notice to him or any other person interested in the part he took in this discussion, it would have been but fair to allow time to them to answer it. Besides, this affidavit was nothing but *ex parte* evidence, and that, too, from a witness who was something of a party in the business.—There were several points to be considered in this business. One, the original promise of protection from the commanders to the inhabitants of the islands. A sceond, how far the conditions had been complied with? Thirdly, how far they had been forfeited by the conduct of the inhabitants? This could not be done, however, without inquiry. The next thing would be, the degree of resistance which the inhabitants made to his majesty's troops in the islands, and whether it justified the severity and the force of military law which had been adopted. These were points which could not be settled without inquiry, and therefore he put them by for the present; nor would it be necessary for him at all to notice them unless the inquiry should be entered into; and in order to give his opponents full benefit of every thing that could be urged on those topics, he would admit beforehand every thing that it was posble for them to prove. Supposing, then, the resistance to have been made, he would consider how far the proclamation of the commanders could be justified according to the practice of war in modern days, and according to the law of nations: how far it suited the particular situation of the West India islands at the time; and how far it was compatible with the general interest of the state. With regard to the resistance made by the inhabitants of the islands to his majesty's troops, he was persuaded that all the accounts which had been given of it, were very much exaggerated. What he complained of did not apply to the particular acts of severity of the commanders; they, many of them, were now in a course of legal discussion; but it was the principle of the proclamation on which those acts proceeded. And he could not help observing, that the conduct of those who defended the commanders was a little curious. If he complained of the acts, they referred to the proclamation. If he complained of the proclamation, they referred to the acts. With regard to the proclamation, he should consider it in a general way, and examine the spirit of it. He proceeded to read extracts from the printed papers, in the course of which he made several comments. In the first place, the inhabitants were told, that "all those who availing themselves of the invitation, in a quiet and peaceable manner, should submit to the authority of the king, and put themselves under his majesty's protection, should be assured of personal safety, as well as a full and immediate enjoyment of all their lawful property, according to their ancient laws and customs, and on the most advantageous terms, those per-

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sons alone excepted, whose removal should be found necessary for the safety of the island; and even to persons of this description, whatever may be their conduct, we promise a safe conveyance to France." In this nothing was said of confiscation. He then came to the two proclamations of the 10th and 21st of May, 1794, on which he chiefly founded his motion, and signed by general Prescot, under the order of the commanders. By these proclamations, nothing could be more clear than that a general contribution, and a general confiscation were intended, and there was no species of property that was not enumerated under them. How it was to be proved that these proclamations were not intended to be carried into effect, he could not conceive. The next thing to be considered was, whether there was any necessity for this? Whether the inhabitants had opposed his majesty's troops, so as to make it necessary? He had carefully perused the dispatches, and there was not the least proof of any such resistance having been offered by the inhabitants, persons of any property whatever. The whites were always well inclined to the British government, but were kept in subjection by the Mulattoes, and the Negroes, and the Petits Blancs, which are a set of people possessing no property. The emigrants also had been driven into exile, and their property confiscated. There might have been something of the kind done by a banditti, but he thought it really fair to conclude there was none of the resistance to make those proclamations necessary. These inhabitants in consequence of the first proclamation had joined us; and from the manner in which they were treated afterwards, they saw clearly it would have been better for them if they had opposed us. This appeared to him to be highly injurious to our character, as a people generally renowned for justice and humanity. It was inconsistent with the rest of our conduct in this war; and while in various parts of the globe, we were covering our enemies with bounty, those who trusted to our good faith met with ruin.—With regard to the idea of these islands having been taken by storm, the thing appeared to him to be astonishing. St. Pierre was stormed without reason or necessity, it being nothing but an open town without wall or ditch: and when the British troops advanced, resistance was only made by a few negroes and mulattoes. Nor was this all; the whole island of Martinique was stormed; and gentlemen might judge of the necessity of such a measure, by imagining what their surprise would be to hear of the storming of Hampshire. He would ask, if there was any insurrection here, would any person talk of taking Hampshire by storm? At Martinique, an island strongly fortified and capable of the greatest resistance, as it contained 15,000 white inhabitants, besides negroes and people of colour, the contest lasted 23 days, and only 84 men were said to be lost. Gaudaloupe held out for eight days; St. Lucie, three days, and was said to be taken without loss. If, under such circumstances these places could be said to be taken by storm, the conclusion to be drawn from it was, that the fate of war was wonderfully altered, and the French must have lost entirely, in this case, their character for fighting. Very different was his conclusion from such premises; he thought the circumstances proved beyond a doubt that the inhabitants did not at all oppose us. But even supposing that they actually resisted us, it would then be a question how far these proclamations were agreeable to the law of nations, and compatible with our interests as a state; and upon this he thought the House ought to come to a decision, otherwise the law of nations would appear to be nothing but a chimera—an idea that would be very injurious to the interest of all well regulated states. He laid it down as a principle, that enemies when conquered immediately became subjects entitled to protection. The inhabitants of the islands had not been so regarded in this case, and therefore the House ought to annul the proceedings of the commanders. He contended, that this mode of levying contributions, and subjecting to confiscation, had never been the practice in former wars, and that the manner in which the commanders in the West Indies had allowed the taking of booty, was contrary to the act of parliament which regulated that point on our part. He insisted also, that the conduct of these commanders was contrary to their instructions. He then proceeded to show that the proclamations had been acted upon; and he read a petition that had been presented to the commanders, reminding them of their declaration in March, promising protection, &c. and complaining that the subsequent proclamations for contribution and

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confiscation had been enforced against them. Even supposing that these proclamations had not been acted upon, in his opinion they ought to be disavowed. He would ask, by way of illustration, whether the manifesto of the duke of Brunswick ought not to have been censured, although it had never been acted upon? For these reasons he trusted the House would come to a declaration upon the proclamations, and that no shift would be made use of to get rid of the subject, by moving the previous question, or any think of that sort. The House should not suppose that by passing this subject by, they would be doing nothing; they would be doing that which was very dangerous. He concluded with moving, "That an humble Address be presented to his majesty, representing, that it appears to this House, that certain Proclamations were issued by sir Charles Grey, and sir John Jervis, in the island of Martinique, and dated May the 10th and 21st 1794, which this House conceives to contain principles not warranted by the law of nations, and of dangerous precedent in all future cases of hostility, and which have occasioned great alarm and dissatisfaction in his majesty's colonies; and therefore humbly praying his majesty, that he will be graciously pleased to take such measures for recalling the same, and removing the apprehension of his faithful subjects, as to his majesty shall seem good."

Mr. *Manning* referred to the declaration published in 1793, as explanatory of the principles upon which the war was to have been conducted, and from which he conceived the proclamations to be a wide deviation. He referred also to the instructions to the commanders in the West Indies, which in speaking of booty, expressly excepted the property of the settled inhabitants; that very species of property, against which the proclamations were directed. He felt himself called upon to support the motion, not merely as a West India merchant who had a considerable interest in that quarter, but as a British subject who demanded that the character of the nation should be vindicated from the reproach of injustice. The affidavit of general Myers stated, that a general resistance had been made to the British arms in Martinique. It was to be recollected that this island was thirty leagues in length, and seven in breadth, from which it would appear how far it was probable that such a resistance had been made. He could refer to many former instances, where there had been a considerable degree of resistance; and yet no such principles as those contained in the proclamations, had been attempted to be enforced As a proof of the loyal dispositions of the inhabitants of Martinique, he quoted the authority of general Bruce, who mentioned, that 800 French planters had taken up arms in the British cause, all of whom must have either been removed or massacred; yet there appeared no evidence that in the late expedition any steps had been taken to secure their property for the use of their heirs. As an additional proof of the loyalty of the inhabitants, he stated that at the time appointed for taking the oath of allegiance, the concourse was so great, that the person employed to administer the oath was obliged to send many of them away. He referred to the distinction between the laws of war and the rights of conquest. When the conquest took place in the islands, no reservation had been made of the rights of war; the inhabitants took the oaths of allegiance, and were recognized as British subjects; yet soon after an assembly was convened for the purpose of levying a contribution, who by declining to meet, gave evident proof of their dissatisfaction. The first instance of contribution had taken place in St. Lucia. A sum of 300,000*l.* was imposed, which was afterwards reduced to 150,000*l.* Of this, only 35,000*l.* had been raised, a plain proof that the original imposition was felt to be exorbitant. It had been urged, that during the command of sir Charles Grey and sir John Jervis, no complaints had been transmitted to this country. The reason was obvious: no notary could be found to draw up a remonstrance with the certainty of incurring the displeasure of the superior council, and the consequent risk of being expelled from the islands. He instanced some particular cases of oppression which had taken place; among others, that of Mr. Thornton, who had an estate of about 20,000*l.* a year in the neighbourhood of St. Pierre, who was at that time dismissed the island, without a shirt to his back, and under the necessity of borrowing a guinea from a friend to purchase his passage to France. He affirmed that the proclamations of the 10th and 21st of May, were neither justified by the principles of the law of nations, nor the practice of former times. He contrasted the conduct of the marquis of

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Bouille with respect to St. Kitt's with that which had been observed by the British commanders. After the French had taken the island, he himself continued regularly to receive his remittances through Ostend, Bruges, or Hamburgh. The complaint on this occasion had been ascribed entirely to disappointed speculators: but he himself had received hundreds of letters from respectable planters in different places, unconnected with commerce, and not personally interested in the French West India islands, that reprobated in the strongest terms the conduct of the British commanders. From these he read some extracts to the House. These extracts talked of the inhuman and avaricious conduct of the British commanders as having fixed a stain upon the name of the country; and of the example which they had exhibited of rapacity and oppression, as being calculated in a reverse of fortune to produce a most dangerous retaliation on the part of the French. In vindication of the proclamations great stress might possibly be laid on what had formerly taken place in the island of St. Eustatius—a precedent which, he believed, would not be very popular in the country. In that case, however, the commanders had been particularly instructed to take possession of the island as a hostile arsenal. Mr. Manning entered into a definition of what was to be considered as booty, which he confined to the description given under the prize act, and stated it as his opinion that the rights of conquest consisted merely in the exercise of legal sovereignty; that the laws of war only applied to the instances in which a place was taken by storm, and could not be supposed to exist with respect to the subjugation of an extended territory. The object of the motion was, to call for a disavowal of the proclamations; which was only calling upon ministers to do publicly what they had already done in private, by instructions sent to the West Indies annulling those proclamations. Considering that disavowal to be necessary, upon principles of reason, justice, and sound policy, he should support the motion.

Mr. *Grey* said, that after the two extraordinary speeches which the House had just heard, he felt himself anxious to rise as soon as possible, in order to obviate the effects which they were calculated to produce. If the hon. gentlemen had really felt the reluctance which they pretended to bringing forward the motion the disavowal of the proclamations which had taken place, in consequence of the letters of the secretary of state, might have sufficiently satisfied their apprehensions as to any consequences that might have been produced in the West Indies. If they had been sincere in the wish which they had expressed, of not giving pain to the feelings of gallant commanders, would they have had recourse to the line of argument they had adopted, in bringing forward a motion, which, though not in itself a charge against those commanders, was supported by charges, which, if true, there was no punishment for their delinquency which could be too severe. If these proclamations had been attacked merely upon the general principle; if ground of accusation had not been sought from matter not at all connected with the proclamations (that they might be carelessly worded he would not deny), he would have left it to others better acquainted with the law of nations to have undertaken their defence, and not have come forward on a question, with respect to which he felt more anxiety than he had ever experienced in any former discussion. As to one commander in whose conduct he was particularly interested, and to whose character the hon. mover had stated that there did not exist the smallest reproach, but whose conduct that hon. gentleman had been pleased to ascribe to mistake, inadvertence, or misinformation, expressing at the same time a hope that the testimonial would not be disdained by him; that testimonial he must say, lost its value from what had followed: when he heard of the inhuman and avaricious conduct of British commanders, when he heard of their rapacity and oppression, as calculated to fix a stain upon the British name, and to set to their enemies an example of tho most dangerous retaliation, if he must not say that he did not disdain a tribute of applause, followed up with such epithets, he at least would say, that to him it had no value whatever. The two hon. gentlemen had supported the motion upon different principles, which, though not very distinct in their statement, he would endeavour to separate in the discussion. It had been asserted first, that the proclamations were contrary to the principles of the law of nations; to the hon. gentleman's construction of the law of nations, it might; but the argument was new to him, and he believed to every body else.

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But though the objection had been made on the ground of principles, it had been chiefly supported upon an enumeration of facts. It had been broadly stated that every thing done at St. Eustatius had been done in the late expedition. There was some confusion as to other topics. At one time the House were told of the danger of retaliation, in consequence of the cruelty experienced by the subjects of the French government; at another the complaint was, that our own supporters and allies had not been treated with proper regard. As to the cruelty experienced by subjects of the French government, he had always heard that the present war on the part of the French was a war of plunder, rapine, and devastation; that it was carried on by them in opposition to all order, humanity and religion: the West India merchants had joined in this representation; but it now appeared that the fact was quite the reverse — that the French were a moderate, humane, and equitable people, and that no apprehensions were to be entertained from them, except so far as they might be influenced to retaliation by the example of cruelty and oppression afforded by Great Britain, in the prosecution of the contest. It had been insinuated, that the misfortunes in Grenada and the other West-India islands had been owing to the oppression and rapacity of the British commanders: as well might they trace the disasters in Flanders to the same source. What could be more absurd than to suppose that proclamations which had been annulled, and not acted upon, should have occasioned the subsequent devastations in Guadalope and Grenada? Objections had been taken to the manner in which the wording of the proclamations had been attempted to be explained. What, however, could be more evident than that by the expression "the value of the conquest," nothing more was meant than the value of the property liable to be confiscated, and not the value of the fee simple of the island? Great complaints had been made on account of the proclamations not having been transmitted to this country. Sir Charles Grey in his letter assigned the reasons why that had not been done. As to their being inaccurate, it appeared upon the face of the proclamations themselves that the translations must be inaccurate.—On the subject of the rights of conquest, it had been stated, that the moment resistance ceases, a legal sovereignty succeeds, and the people who are subjugated come under the protection of the conquerors. He always had understood, that when terms had been refused, when the utmost resistance had been made, the persons and property of the vanquished became subject to the sovereign whose troops occupied their territory. Such was the doctrine which prevailed in the law of nations, and which was not carried in the proclamations beyond what was allowed by the mitigated practice of modern times. It had been stated also that the soldiers had no right to booty, except of the description defined in the prize act. The prize act applied only to that species of booty which belonged to the captors; it did not lessen the right of majesty to that booty, which was uniformly the reward of conquest in every instance where resistance had been pushed to its utmost limits. Under this description of booty the proclamations included nothing but the stores and produce of the planters, which had been manufactured and packed up for exportation before the 23d of March; and this booty had been assigned to the soldiers only under grant of his majesty, and subject to his future disposal. By their proceeding on this occasion the commanders had shown themselves anxious to maintain at once the rights of the sovereign, and the discipline of the soldiery. Even for the sake of the conquered country, such a procedure was perhaps the most desirable. If the soldiers were not to be allowed what they felt to be a due reward of their labours, they would conceive that they had a right to take it; what they thus thankfully accepted as a boon, they would then extort by violence; and instead of a moderate contribution, a system of universal plunder would follow. The commanders, then, did not want for their conduct the apology which had been assigned them of mistake, inadvertence, or misinformation: they had acted from a sense of duty, from zeal for the rights of their sovereign, and from regard to the discipline of the troops under their command. Their conduct was even such as, from enlightened views of policy, would be found ultimately most conducive to the peace and security of the conquered country.—On this occasion reference had been made to their instructions. On inspecting these instructions, he was blind enough to think that they furnished a complete vindication, not only for what

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they had done, but for what they intended to do. It had been supposed that there existed no right to booty, except on the capture of a fortified place. So far was this from being specified, that in one copy of instructions relative to booty, mention was made of what might be taken in a settlement, and in another the general case was put of a conquered country. Even in instances of capitulation a certain right of booty had been reserved to the sovereign and the troops; and in cases of storm a larger proportion had been allotted to the soldiers, because they, on such occasions, were necessarily exposed to a greater degree of fatigue and danger. Mr. Grey here quoted from history, examples of the practice to which he alluded. An hon. gentleman had mentioned what had taken place at St. Eustatius as a precedent of no good authority, and not very likely to be popular with the country. He had said, that if an hon. gentleman (Mr. Burke), no longer a member of that House, who had brought forward the conduct of the commanders at St. Eustatius, had been present, he should not have been under the necessity of coming forward. He was reminded, indeed, that the hon. gentleman who complained of the conduct of lord Rodney and general Vaughan, had after the 12th of April dropped all proceedings, and even handsomely said, that "if there was a bald spot on the head of lord Rodney he would cover it with a laurel." Would he then, after the brilliant services performed in the West-Indies, have been the person to have come forward with a charge of crimination against the commanders at the head of the expedition? So much for the wording of the proclamation. He would next examine how far it had been acted upon. The moment that it had been known to the commanders that it occasioned discontent and dissatisfaction, or had in the smallest degree been considered as oppressive, it had immediately been annulled. As it was impossible to lay down a precise rule where there was so much room for the exercise of discretion, it was impossible to say whether the proclamations were right or wrong, except some method could be contrived to take into consideration all the circumstances of the country at the moment in which they were issued. It had been said, that the contents of the proclamations were in direct opposition to the declaration of the 1st of January. It must first be necessary to show that the declaration had been accepted. It was said that the terms held out in that declaration were either protection or removal; protection to those who submitted themselves, and removal of such as should be found refractory. If gentlemen, however, read the conclusion of that paper, they might perhaps find another alternative. The conclusion was this: "All such persons as in contempt of his majesty's benevolent intention, shall dare to oppose this declaration, shall be treated as enemies, and remain exposed to all the evils which the operations of war cannot fail to bring over their persons and property." Did not this in the plainest manner point out confiscation, and all the other consequences authorised by the rights of conquest? The paper was intended to contain an inducement to submission. Though the motion was confined to Martinique, an hon. gentleman had thought proper to travel into St. Lucie for facts in order to support it. It was material to be ascertained whether the inhabitants of Martinique did not resist, in direct opposition to what had been asserted. He would prove that they did generally resist; that they had not aided the progress of the British troops, even by intelligence: he would prove it by the evidence of the whole army: he would prove it by facts themselves. An hon. gentleman had gone so far back as the expedition of general Bruce; but what had he proved by his statement, but that the great majority in Martinique were decidedly attached to the Convention; and that the others who had sided with the British, had been since expelled, or massacred?—He would proceed to examine the curious memorial and affidavit which had not been permitted by the House to lie upon the table. Taking the memorial from its contents, not knowing Mr. Thellusson, by whom it was signed, whether he was a member of that House or another of the same name, he had formerly asserted what he should again repeat, that it was a series of falsehood from beginning to end, and that the affidavit upon which it was grounded, was an instance of the grossest perjury. If, as he understood, the gentleman by whom the memorial was signed, was a merchant of eminence, it would well become him to consider what he was doing, and to examine the public dispatches, before, upon the evidence of one, who is declared to be a notoriously good man, but, who is so notoriously good, that the gentleman who thus characterized him,

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would not undertake to support his allegation upon oath; before, upon such evidence, he ventured to attack the character, and to wound the feelings of respectable commanders. This Mr. Malespine states, that when the town of St. Pierre received the first summons from his majesty's commanders, the white inhabitants were so absolutely at the disposal of the negroes and people of colour, that they could not manifest their desire of surrendering. The town of St. Pierre had at no time been disposed to the British cause. Why, then, should Mr. Malespine have taken refuge in a town which had been the source of all the troubles in Martinique, when by remaining in the open country, he might at least have shown his pacific dispositions, and, if so inclined, have afforded assistance to the British arms? Mr. Malespine states, that after the proclamation was issued, the inhabitants took the oath of allegiance; just as if the oath had immediately followed the date of the proclamation. The impression intended to be produced by this mode of statement, was sufficiently obvious.—He would next proceed to the statement of facts, in support of which he could produce the evidence of a number of respectable officers, who were attending near that House, if their testimony should be required. These were the officers who had commanded in the different divisions who had made their attack on several parts of the island, and who had not experienced the smallest assistance or support from one white inhabitant. With a view to injure the fame of the commanders, the service had been attempted to be depreciated. It had been said, that the conquest had cost only 28 days; when in reality it had taken up from the 6th of February to the 25th of March; and that only 84 men had been lost, when it would be found from the returns that the number of killed and wounded amounted to between 2 and 300. As it might be deemed too late in the session to enter into the inquiry, he would read the report of the officers in their own words. He here read the report of the officers who commanded the different divisions in the attack on Martinique. The report went, in the plainest and most direct manner, to contradict all the facts alleged in the memorial and the affidavit. Mr. Grey stated, that he had received voluntary offers of testimonials to the same purpose, from almost every officer who had served under the commanders.—It had been said, that the courts of law were full of complaints against the conduct of the commanders. He had communicated with the solicitor in order to ascertain the fact, and had found that no claim had been exhibited, but that of Mr. Malespine. As to what had been said of no notary public having dared to draw up a remonstrance while the commanders remained in the West Indies, he defied gentlemen to produce a single instance in which any complaint presented to those commanders had been rejected. The disavowal of the proclamations could not be contended to be useful, since they had already been virtually reversed; and when by the motion claiming that disavowal, it was intended to wound the feelings, and to injure the fame of commanders who had rendered their country the most eminent services, and had in consequence received the thanks of that House, he could have no hesitation in giving it his decided negative.

Mr. Secretary *Dundas* said, that it was his intention to oppose the proposition brought forward, and to move another in its stead. He meant no disrespect either to the mover or seconder; but they certainly had not kept to the question, and the letters which had been read, apparently written from motives of animosity and malice, he considered as perfectly extraneous. They had grounded all their complaints and fears upon the papers before the House, while they had not attempted to prove that any thing in the proclamation issued by the commanders gave just foundation for the alarms they had so industriously circulated. Did what had taken place at St. Vincent's proceed from those proclamations; or, was it not from the insurrection of the Caribs, aided by Jacobin principles, that devastation had followed in that island? The same might be said of Grenada; and no possible case could be made out, which would prove that the proclamations in any manner occasioned the misfortunes which those islands had lately suffered. Another thing with regard to those proclamations was, that, having been notoriously annulled and abandoned before any proceedings had been had upon them, it was impossible that any actual grievance could be complained of, with justice, on that account, no property of any description having been taken from the inhabitants in consequence of the proclamation. He was quite at a loss to know

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what was the object of the address moved for, or what the hon. gentlemen meant his majesty's ministers should advise the king to do. The next point was the general principle, as far as it was connected with the law of nations, upon which his majesty's ministers and the commanders in the West Indies had acted. On this he would only say, that he had acted in concert with his colleagues, and never without having what they considered to be the best and soundest legal advice the country could afford them. Were it not that the person * was present, to whom they owed so much on that subject, he would have said more. With regard to the prize-money or booty, the king had not yet decided how it was to be disposed of; of course, nobody concerned in the expedition could be said to have received it. With regard to the easiness of the conquest, he differed widely from those who seemed to underrate the services performed; and he contended, that the degree of resistance which the British forces met with, fully justified every proceeding that had taken place. He felt it his duty not merely to give his negative to the proposition moved, nor to get rid of it by the order of the day. The gratitude that the country owed to those gallant men, who had done such brilliant services as had merited and received the unanimous thanks which that House had already come to, pointed out the necessity of doing something farther. His intention, therefore, was to move two resolutions; but in order to get rid of the motion, he would first move the previous question.

Sir *William Scott* said, he objected to the original motion; first, because the House was thereby called to decide on the general principles of the laws of nations, and he could not help thinking, that for the House to decide on abstract laws of nations, was unwise: 2dly, because it went to censure the proclamations, without the aid of any real evidence: and 3dly, because the questions both of law and fact were now depending in the competent court. The law of nations had provisions to regulate the mode of war or self-defence. The rights of war were of a delicate nature, depended on particular circumstances, and must bend to those circumstances, and be directed by the wisdom of the executive government. General principles were laid down in a strong manner by writers; but it was on government that we were to rely for a prudent application of them. The rights of war were harsh, but yet they were rights that existed: happy would it be if the state of humanity, in that respect, was altered, and war existed no longer; but this was a point more desirable than attainable. It was not possible to make an innoxious or a peaceable war. The very intent of war being to compel people, by a sense of suffering, to do what otherwise they would not do. The general principle of the law of nations was, to make the private property of the subjects of the hostile countries, amenable to the rights of war; and its effect was, to make every man that was the subject of one state in hostility, the enemy of every subject of the other. The property of every individual in the state composed the property of the state itself, and was subject to the rights of war. This was the law of nations as it existed; sorry should he be if it was to be enforced vigorously; but if the House were to come to a decision on the point, they must necessarily come to one as harsh as that. For the enforcing and dispensing of those laws, this country had proper courts; first, the court of admiralty, and next, the court of appeals. The decision of those courts was as binding as those of any court of law; indeed more so, for the legislature had an unlimited power over the municipal laws of the country, while its authority over the law of nations was not of such extent. In the case of St. Eustatius, the same principles as those broached that night were laid down in that House by gentlemen of the first talents; but the court of admiralty, and the lords commissioners of appeals, attended by lord Camden, and other respectable judges, determined that the universal principle was, that the private property of individuals was subject to confiscation. To punish error or inadvertency in the application of the general principles of the law of nations, on the part of commanders, would be to subject them to a responsibility too rigorous for any officer to incur. In the proclamations there might be expressions which, on mature consideration, and better advice than could be expected in actual service, it would be desirable to correct; but this was not the criterion by which the House

* Sir William Scott, the king's advocate general.

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ought to judge. They would judge by the intention and the manner in which the proclamation had been acted upon. The affidavits would not be held sufficient evidence in the admiralty courts for a decision in any single case; much less could he consider them as evidence for the House to found a vote upon. All the questions, both of law and fact, were now at issue in the proper courts, whose decision, where there appeared no public ground for the interposition of the House, was to be preferred. For these reasons, he should vote for the previous question, concurring, as he did, most heartily in the proposition for referring to the testimony already given by the House to the merits and services of sir Charles Grey and sir John Jervis.

Mr. *C. Dundas*, as the strongest proof of the integrity of sir Charles Grey, read extracts of several letters from sir Charles to general Dundas, on the conduct to be pursued in the conquered islands. In one he said, "with respect to booty, I wish there was no such thing; I am heartily sick of it. We must take care that nothing be done to tarnish the glory of the brilliant actions performed by you and the brave troops:" in another, regretting the same difficulties, that "contributions, in lieu of booty, had been settled with the consent of the several islands:" and in a third, that "the advisers of violent measures ought to be listened to with great caution; that as most of their information came from Frenchmen who had been emigrants, it was to be received with distrust; and that such of them as were disposed to violence, should be permitted to quit the islands."

Sir *W. Young* said, that the proclamations contained principles directly in the teeth of the law of nations. "Do as you would be done by," was, in these enlightened times, applicable to a state of war. The exercise of the right of conquest was limited by state use.—"Quando hostis in mea potestate est, hostis esse desinit." It was the duty of the House to take from an extension of the right of conquest, the weight of British authority. An army ought never to levy money for itself. The force of the proclamations, although not acted upon, was not done away by the letters from the secretaries of state. If those letters were inserted by order in the Gazettes of the several islands, he should be satisfied. If it was to be laid down, that resistance of invasion was to incur the penalty of contributions and confiscation, what planter would take up arms to oppose the enemy?

Mr. *East* said, that if the commanders had been led into an error by misinformation, the House was called upon to correct that error in a stronger way than the secretary of state proposed. He was therefore against the previous question.

Colonel *Wood* entered into a defence of the proclamations. He should have preferred giving a decided negative to the proposition; but as the right hon. gentleman had moved the previous question, he would vote for it. So far from thinking the conduct of the two gallant and meritorious officers deserving of censure, he would join most cordially in expressing the same sense of the importance of their services, which was acknowledged by the House twelve months ago.

Mr. *Sheridan* complimented Mr. Dundas on the fair and manly manner in which he had come forward in defence of gallant officers, whom it was the duty of ministers who employed them to protect. The country at large would rejoice to hear, that there was not a shadow of foundation for the aspersions that had been so long circulated against the characters of sir Charles Grey and sir John Jervis.

Alderman *Lushington* said, he would console himself for the loss of the original motion, by the general admission, that the proclamations contained things very objectionable.

Mr. *Fox* would have preferred meeting the motion with a direct negative, but as the previous question had been moved, he would vote for it. He objected to the original motion, because to condemn a proclamation, without specifying the precise principles condemned, was to lead others into error, as one might think it was condemned upon one principle, and another upon a principle very different. To move a vote of disapprobation on the proclamation, and to enter into various allegations of fact not to be found in the papers before the House, without allowing, by a motion of inquiry, a fair opportunity of repelling those allegations, must be construed into a direct attack upon the characters of most meritorious officers. The capture of Martinico was one of those instances of prompt decision, mixed with prudence, which characterised the military conduct of sir Charles Grey.

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The previous question being put, "That that question be now put," the House divided:

Tellers.

Yeas	Mr. Foster Barham -	17
	Mr. Manning - - -	
Noes	Mr. Whitbread - -	67
	Mr. Sheridan - - -	

So it passed in the negative.

List of the Minority.

Allardyce, Alexander	Lushington, ald.
Anderson, alderman	Manning, William
Barham, John Foster	Rose, George Henry
Benfield, Paul	Smith, general
Curtis, alderman	Smith, George
Davidson, Duncan	Smith, Robert
East, Edward Hyde	Smith, Samuel
Ellis, Charles Rose	Thellusson, Peter Is.
Halhed, Nat. Brassey	Young, sir William
Joddrell, R. Paul	

Mr. *Dundas* then moved, "That the inhabitants of the French islands not having availed themselves of the Proclamation of the 1st of January 1794, the said proclamation cannot be considered as having formed a general rule for the conduct of the commanders of his majesty's forces, by sea and land, respecting the persons and properties of the inhabitants of those islands." Upon this the House divided: Yeas, 64; Noes, 13. Mr. Dundas next moved, "That the Proclamations of the 10th and 21st of May 1794 not having been carried into effect, it is unnecessary for this House to give any opinion thereupon; and that this House retains the cordial sense which they have already expressed, in their vote of the 20th of May 1794, of the distinguished merit and services of sir Charles Grey and sir John Jervis in the conquest of the French islands." And an objection being made, that the said motion contained a complicated question; the motion was, by consent of the House, divided into two questions, the first part ending with the words "to give any opinion thereupon." And the question being put, "That the Proclamations of the 10th and 21st of May 1794 not having been carried into effect, it is unnecessary for this House to give any opinion thereupon;" The House divided: Yeas, 57; Noes, 14. Then the question being put, "That this House retains the cordial sense which they have already expressed, in their vote of the 20th of May 1794, of the distinguished merit and services of sir Charles Grey and sir John Jervis in the conquest of the French Islands," it was carried in the affirmative.

Debate in the Commons on the East India Budget.] June 16. The House having resolved itself into a Committee on the Annual Accounts presented from the East India Company,

Mr. Secretary *Dundas* rose and said;—The accounts to which I request the attention of the committee are as usual numerous and important; but being made up with great care and attention, they are so free from perplexity, that I hope to be able to give an explanation of those particulars which appear to require it, and to collect from the whole a general statement, in one point of view, of the affairs of the East India company, without trespassing long on the indulgence of the House. In doing this, I shall first state the amount of the Annual Revenues at the several settlements in India, and of the various charges, to the payment of which they are immediately applicable, in order to show the capital thence obtained for carrying on the Company's trade, or towards liquidating their debts in India: I shall then advert to the extent of that trade, and the state of the Company's affairs at home, as arising both from their trade and revenues. From the whole of these statements I shall draw a general result, to show what variations have taken place in the affairs of the Company abroad and at home, collectively, since the dates of those accounts on which I had the honour to offer my observations to the committee of this House last year. And first as to

Bengal.—In the first three columns of the account No. 1, are stated the amounts of the revenues of this presidency, for the three years, 1791-2 to 1793-4, the average of which is 5,425,317*l.* Which is 111,827*l.*, more than the average of the three preceding years. The next account to which I refer is No. 3, being a comparison between the estimated and actual amount of the revenues and charges of Bengal for 1793-4. The estimated amount of revenues was 5,432,768*l.* The actual 5,871,946*l.*, being an excess above the estimate of 439,178*l.* The mint and post-office collections exceeded the estimate in a small sum; but the principal articles in which the above excess arises are the land revenues and the produce of salt and opium. The adoption of the new system for letting the lands on permanent

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leases, occasioned the revenues at first to fall short of the amount of preceding years; but the second year the collections were considerably increased; and in the next the year to which these accounts belong, a large amount of arrears having been paid, the total received exceeds the collections of former years, and produced 139,968*l.* more than was computed on in the estimate, which was formed on the amount received in the preceding year. The produce from the sales of salt also exceeded the estimate, the total receipt being 1,293,458*l.* In my observations last year, it was stated that the increasing prosperity of the country warranted the expectation of a million per annum from this article; and in a letter then just received, it was remarked, that the sales would probably amount to about the sum above stated: and this, it was observed, arose not from an enhanced price, but chiefly from an increased sale. In some of the sales, however, the price appears to have been higher than it ought to be in a plentiful season: in order, therefore, to allow for a reduction of price, the estimate for the following year is taken at 1,113,600*l.*—In the sale of opium, the amount has exceeded the estimate by 49,754*l.* The trade in this article has considerably increased, partly owing to the facility with which it can be carried on to the Eastward islands, by means of the new settlement at Prince of Wales' island. Beside which, in the present year, that part of the trade in opium, which by treaty was allowed to the French, has been, in consequence of the war, taken from them, and produced an addition to the Company's profit of upwards of a lack of rupees.—A new article of revenue, levied for the purpose of preserving the police, has fallen short of the estimated sum, and the charges of the same have exceeded the estimate. But when the assessment shall be more regularly established, it is expected the receipts will equal the expenses. The charges of the Bengal government for 1793-4 were estimated at 3,238,346*l.*; the actual amount was 3,331,978*l.*, being more than the estimate 93,632*l.* This is principally accounted for, by an additional donation granted to the Bengal troops that served in the late war against Tippoo Sultaun, not known in India when the estimate was made, amounting to 46,729*l.* The advances and charges for the manufacture and sale of salt and opium, were more than the estimate 77,156*l.*, in consequence of the larger sales, as already stated. The charges of buildings and fortifications were 36,535*l.* less than estimated. In the other articles there is some variation. Deducting the excess of charges from the excess of revenue, the actual account is better than the estimate by 345,546*l.* The total nett revenue of this presidency in the year, was 2,539,968*l.* The revenue for the year 1794-5 is computed to amount to 5,580,606*l.* and the charges to 3,278,634*l.*, leaving a nett revenue of 2,301,972*l.*, which is 237,996*l.* less than the actual nett amount in the preceding year, and is a proof of the caution with which the estimate is made.

MADRAS.—The finances of this presidency, for the years to which the accounts now before the committee refer, have not been in a settled state. The war with Tippoo Sultaun continued till near the end of 1791-2. In the next year a new treaty was made with the nabob of Arcot and rajah of Tanjore, the particulars of which could not be carried into full effect immediately. It required also some time to settle the revenues and ascertain the charges of the countries ceded to the East India Company by Tippoo: and in the last year, the French possessions in that part of India were captured, which occasioned an extra expense, and produced some revenue. From these circumstances it follows, that an average of the revenues of those three years would not be applicable to show the amount that may be realised at that presidency in future years. The first account to be referred to is, therefore, the comparison of the estimated and actual revenues for the year ending the 30th of April 1794. The revenues were estimated to amount to 2,232,077*l.*, and the actual amount was 2,110,089*l.* being less than the estimate 121,988*l.* The charges were estimated to amount to 1,701,298*l.*, the actual amount was 1,999,376*l.* The excess of charges therefore is 298,078*l.* which added to the deficiency of receipts as above stated, 121,988*l.*, the actual account is worse than the estimated, by 420,066*l.* For the following year, the annual revenues are estimated to be more productive, and to amount to 1,855,317*l.*, and the charges to 1,782,247*l.*, leaving a nett revenue, without any extra aid of 73,070*l.*

BOMBAY.—The account last presented, shows the estimated and actual revenues and charges for the year ending 30th of

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April, 1794. The revenues were estimated at 277,898*l*; the actual amount is computed at 312,364*l*; more than estimated 34,466*l*. The principal excess is in the revenues of the ceded countries, which exceeded the estimate by 21,645*l*.; the other revenues and customs also were more than the amount estimated. But the subsidy from Travancore, although settled to be paid to the Bombay government, is not stated in their accounts, and is therefore taken on estimate. — The charges were estimated at 696,139*l*., and amounted to 783,791*l*.; more than estimated 87,652*l*. The excess of charges in the marine department, 22,148*l*., is accounted for by the extra expense in fitting out cruizers to protect the trade of the country merchants, &c.; and in the military charges there is included a donation of 47,834*l*. to the army which served in the late war in Mysore. The revenue charges of the ceded countries were also upwards of a lack of rupees more than the estimate; but the supervisor observes, that the operations of this year are to be considered as an experiment. The charges were higher, on account of a greater number of natives being employed to ascertain the amount of the revenues of the different districts, to whom large salaries were given, as they were employed for only one year. Those charges, in future, may therefore, probably, be reduced; and as the country recovers from the effects of the late war, a larger revenue may be expected. Deducting the excess of revenue from the excess of charges, the actual account appears worse than the estimate by 53,186*l*. The revenues of this presidency having, on the whole, been less then its charges in 1793-4, by 471,428*l*.—The revenues are computed to amount to 354,883*l*., and the charges to 757,551*l*., leaving a deficiency of 402,668*l*.

BENCOOLEN, &c. — The revenues of Fort Marlborough, on an average of three years, amounted to 4,848*l*. The supplies from Bengal to this Residency, Pinang, St. Helena, and the Andaman Islands, were estimated at 77,000*l*., and amounted to 66,358*l*.; less than estimated 10,642*l*. The supplies for 1794-5 are estimated at 104,632*l*.

GENERAL VIEW.—The revenues and charges of all the British settlements in India, for the year 1793-4, collected from several statements, are as follow:

REVENUES,		
At Bengal	5,871,946	
Madras	2,110,089	
Bombay	312,364	£.
		8,294,399
CHARGES,		
At Bengal	3,331,978	
Madras	1,999,376	
Bombay	783,792	£.
		6,115,146
		2,179,253
Supplied from Bengal to Bencoolen, Pinang, the Andaman Islands, and St. Helena, per No. 18, CRs.		66,358
Excess of the revenues above the Civil and Military Charges		2,112,895

The next charge is the interest on the debts in India, 458,843*l*., which being deducted from the revenues leaves a nett surplus of 1,654,852*l*. To this add the amount received for the sale of import goods and certificates 475,991*l*. The total is the sum applicable to the purchase of investment, payment of commercial charges, liquidation of debts, &c. which amounted in 1793-4 to 2,130,846*l*.

ESTIMATES for 1794-5—Total revenues of Bengal, Madras, and Bombay estimated 1794-5	7,790,807
Total charges ditto	5,923,063
	1,867,744
Deduct interest on debts	437,047
Estimated surplus Revenue...	1,430,697
Add estimated Sales of Imports, and amount of Certificates...	380,669
Amount estimated to be applicable to investments, payment of Commercial Charges, &c. &c.	1,811,366
DEBTS IN INDIA. — Amount owing by the Company stated to the House last year	7,857,405
Amount by the latest advices	7,305,462
Decrease	£.551,943
Debts bearing interest last year amounted to	6,322,328
Amount bearing interest at present	5,597,299
Decrease of debt bearing interest	725,029
Amount of interest payable by last year's accounts	517,825

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At present	437,047
Less payable annually for interest	80,778
ASSETS IN INDIA. — Cash, Goods, Debts, &c. at the several settlements, stated in last year's account at	8,733,796
Per No. 21 of the present statements	8,807,600
Increase	£.73,804
Adding this to the decrease of Debts, the Company's affairs appear better in these respects by	625,747
HOME ACCOUNTS. Sales of Goods, 1794. — The estimate for last year was	5,364,358
Actual amount	5,521,858
Actual amount exceeding the estimate	157,500
Charges and Profit on private Trade estimated	70,000
Actual amount	62,459
Less than estimate	£. 7,541
The Debts at home, including the Debt transferred from India, amounted in March 1794, to	7,006,500
In March 1795, to	6,946,323
Decrease	£. 60,177
Assets at home and afloat, 1st of March last, is stated at	10,413,354
The same articles valued last year, at	9,888,836
The value of these articles is therefore more by	524,518
Adding decrease of Debts to increase of Assets, the Company's affairs appear better at home by	584,695
The balance at China and St. Helena was, in last year's accounts, in favour of the Company	1,080,881
By the last accounts stated	979,152
Balance less at present	101,729
The General Result of the comparison between the state of the Company's affairs, with respect of Debts and Assets, as exhibited by the accounts laid before this House in the last and present year, appears to be an improvement to the amount of	1,412,249

Having thus explained the several statements relative to revenues and charges, the debts and assets of the British settlements in India, together with those which respect the trade in general of the East India Company, I think it right, as having recommended to parliament, in 1793, the arrangement entered into between the public and the Company, to state how far the accounts now before the committee differ from the estimates on which my calculations were founded. In those estimates the revenues of India were computed to yield annually a certain sum towards the provision of investment, which, with an estimated amount of exports from home, and bills drawn from India and China, should be sufficient to provide a quantity of goods, from the sale amount of which, with other receipts, those bills should be discharged, exports provided, and all other annual expenses defrayed: and a surplus remain, out of which 500,000*l.* was to be appropriated to the payment of the debt transferred from India, and 500,000*l.* to government. But previous to this arrangement being made, or before the orders could arrive in India to stop the drawing of bills on that account, a large amount of debt had been transferred from India, of which upwards of a million sterling became due in the first year, and 933,095*l.* in the last. The payment of these large sums, and other circumstances, have, for the present, deranged the order of that appropriation. In my general observations on the estimates, laid before this House in 1793, I remarked that the annual surplus revenues of the British provinces in India, applicable to the provision of investment or liquidation of debts, would exceed the amount on which the resolutions, in this respect, submitted at that time to the committee, were founded. The accounts laid before the House in the last and present year have corroborated the truth of those remarks. A comparison between the particulars in the accounts from India for the year 1792-3, and the estimate of 1793, I stated to the committee last year; and for the year 1793-4, the surplus, applicable to the purchase of investment or other purposes, was 617,269*l.* In the estimate for 1794-5. as extraordinary charges are supposed to be incurred on account of the war, and the receipts from

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the sale of imports, and from certificates, are stated to be less than in the last year, the surplus to be applied to the provision of investment, payment of commercial charges, &c. is computed at only 1,811,366*l.* At home the sale amount of the goods was 533,558*l.* more than was computed in 1793. The charges and profit on private trade were less, although the amount of goods sold on that account was larger than it had been before, owing to the reduction in the duties payable to the Company. The total of the charges of customs and freight paid in the last year is 995,683 more than the estimate of 1793; above half of which arises from the quantity of tea which the Company found it expedient to purchase on the continent, and the greater amount paid for goods and stores exported. The Increase of 2½ per cent. to the dividend on the capital stock, is also included among the charges of the last year, which, by the former computation, was to be defrayed from the estimated surplus. The increase of assets belonging to the company in the valuation of the goods in warehouse, and of exports afloat outwards, above their amount in March 1794, is equivalent to the extra sum paid for tea, and the larger amount expended for exports in the year; if, therefore, an allowance be made for these sums and the increase of dividend, the surplus of the last year, in this point of view, will appear as large, or more than was computed in the average estimate in 1793.

Under these circumstances it may be asked,—Why have not the Company been called upon to pay the 500,000*l.* in the last year to the public? Without entering into a discussion of the question, how far they are liable to be called upon for that payment (which the Company, considering this arrangement on the principles of an annual cash account, may be disposed to dispute), a slight view of the state of their affairs since the commencement of that arrangement, will show the propriety of not making the demand. The present and future participation of the public must depend on their surplus revenues abroad, and the profits on their commercial transactions; it would therefore be short-sighted policy to enforce a demand for present convenience to government, which might occasion immediate embarrassment to the Company, and greatly retard the future operation of some essential parts of that arrangement.

I have already observed, that upwards of a million of the debts, or 1,008,637*l.* transferred from India became due in 1793-4, and 933,095*l.* in 1794-5. By the regulations of the act of 1793, 500,000*l.* of these debts were to be paid annually; an excess, therefore, of 941,732*l.* became due in those two years. This amount, by the engagements under which the bills were drawn, the company were bound to discharge; but the liquidation of so large an amount of debt, the delay which took place in 1793 in the payments made by the purchasers of goods sold in that year, and the increase of expenses in freight, &c. have prevented the receipts from keeping pace with the demands: it was therefore only by allowing the bond debt to continue at a higher amount than was originally intended, that all the payments, including the one to government, were made in the first year; and if any farther large demand had been made in the last year, it could have been complied with, only by issuing an additional number of bonds. To meet any urgent necessity of this kind, I last year brought in a bill to enable them to extend the amount of their bonds in circulation to the extent of three millions; but as the interest of money in the public funds had increased, in consequence of the war, the premium on the Company's bonds had decreased, and if a large additional quantity had been brought to market, the Company might have been obliged to issue them at a discount, or to have raised the interest on the whole of their bond debt, either of which must have occasioned a considerable loss.

The prospect, also, of their expenses increasing in the present year, affords another reason for not making so considerable a demand in the last. By the estimate, it appears that the ordinary receipts of the Company in this year, and the cash in the treasury, will probably not be adequate, by a sum of 371,838*l.*, to defray their expenses, and pay the amount of debt transferred from India becoming due. The million sterling in bonds, which, by the act of the last session, they are empowered to issue, will enable them to provide for such exigency, if it should occur. The payments in the present year being estimated to exceed the receipts, do not give a favourable idea of the state of the Company's trade; but it must be considered that a part of those payments

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is for debts already incurred. The charges of freight, &c. are also greatly increased in consequence of the war; so that, including some arrears, the expenses under this head are estimated at no less than 900,000*l.* more than was computed in 1793 for a year of peace. Part of this is undoubtedly owing to the larger quantity of goods provided for sale; but the principal cause is the increase of price in the various articles employed in shipping. As the expense of carrying on the trade to and from India is so materially enhanced, it may probably be inferred, that it would be more profitable for the Company to lessen their trade, and employ the surplus in India to the payment of the debts bearing interest. Taken merely in a mercantile point of view, this may be the fact. But it should be considered, that in India the Company are sovereigns as well as merchants; that the regular collection of the revenues must depend upon the prosperity of the country; and this must, also, in some degree, depend upon the state of the manufactures which are supported by the trade to Europe. Either, therefore, a diminution of the revenues must take place, in consequence of a stagnation of the manufactures, or the trade from thence be diverted into other channels. Of an opportunity of this nature, the neutral nations would, undoubtedly, take every advantage, and endeavour to establish a lasting trade, on the temporary dereliction of it by the Company. In a general point of view, we can have no objection to all nations trading with the British provinces in India. As sovereigns, we wish their prosperity to be augmented by every possible means: and therefore, so far as foreign trade conduces to that end, we are ready to encourage it; but we must be watchful to prevent every species of factitious increase of foreign trade, where the means of carrying it on are drawn from the vitals of the provinces themselves. Whilst foreigners trade on their own capitals, the articles they purchase must be obtained by others, which will benefit the country by the exchange, without injury to the state most connected with it in Europe; but when the capital for conducting that trade is furnished from the fortunes of individuals, acquired by employments held in those settlements, it operates as a direct drain from that country, to the collateral injury of Great Britain. The prevention of a trade so detrimental to the interests of this empire, and to make London, as much as possible, the emporium of Europe for East India goods, was the principal object of several of the regulations in the act of 1793; and it is with the same view that I lately moved for leave to introduce a bill for allowing the importation of goods from India, in ships built in that country. The propriety of that measure I shall not now discuss: I mention it merely to show the conviction I feel of the necessity of keeping up the trade from the East Indies to this country to its full extent; though, in doing so, we find it necessary to have recourse to new and extraordinary means for obtaining an adequate supply of goods, and though the expenses attending the importation may be such as to leave little or no prospect of gain.

These disadvantages, the committee must perceive, are only temporary; whereas the advantages attending an established, extensive, and increasing trade, joined to the improving state of the revenues, promise to be lasting. If the sales of East India goods in Leadenhall-street, during the last year, a time of war, and when no inconsiderable part of the markets of Europe were shut against their introduction from Great Britain, were yet greater than they have ever been before, it is but reasonable to expect, that, on the return of peace, when those markets shall be open, the demands at the Company's sales will still increase, and Great Britain become, what the extent of her dominions in India, the enterprising spirit of her merchants, and the unrivalled capitals they possess, entitle her to be,—the grand emporium of Europe for the goods, wares, and merchandize of the East. This prospect of the future extension of the Company's trade at home derives an additional degree of probability from the actual state of their affairs abroad. The failure of other companies in Europe has left the English East India Company without a rival in the China market; and in India the British possessions enjoy an unexampled degree of prosperity; the population of them increases, the inhabitants become wealthy, and the revenue to government is augmented. The charges, it is true, are at present higher than they would have been in time of peace; but the war has produced so little effect in India, as scarcely to retard the plans for the reduction of inte-

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rest on the public debts, and other arrangements for the improvement of the Company's finances. The capture of the enemy's possessions on the continent of India, and the armament fitted out for the protection of the trade in those seas, have occasioned some considerable addition of expense: but those captures have added to our revenues, as has also the depriving the French of their share of the trade in salt and opium.

It is, however, on the mild and efficient system of government already established, or in a state of improvement throughout the British settlements in India, that I chiefly rely for the increasing prosperity of our affairs in that country. When the natives see a system of law and justice established, which affords equal protection to the rich and to the poor, and the tenure by which they hold their property rendered permanent, instead of precarious, they must feel a deep interest in the stability of the British government, and the wealth, population, and general prosperity of the country must rapidly advance. Such has already been the effect in the Bengal provinces of those systems for settling the land revenues, and administering justice, which I last year explained to have been established. The collections in 1793-4 exceeded the amount of any preceding year; for, not only a sum equal to the annual rent was paid, but also a part of former arrears. The arrears, however, still owing by the landholders, and included in the assets, amount to a considerable sum. To a certain degree this must always be the case in accounts of such a magnitude made up to a particular day; but the sums stated as owing by them in the present account, are augmented by the first effect of those regulations, from which the greatest benefits to the country have since arisen. In general, men hesitate at alterations in an established system, whatever benefits may be promised by the change: but in India, where the prejudices of the natives are blended with their existence, and where established custom has the force of law, no arguments would avail to inspire them with confidence in so considerable a variation in the tenure of their landed property. Therefore, although the settlement was moderate, yet it had the effect of lessening the collections at first, from the prevailing aversion of the inhabitants to prompt payment, and their propensity to seize every pretext of delay. While the country was in an unsettled state, it was natural that artifices of this nature should be resorted to, in hopes that a change of system might take place, in which the old demands might be forgotten, and new ones satisfied with the sums so reserved. Such was the situation of the inhabitants of that country, under the native or Mahomedan dominion; and, for want of an established system, the Company's government but too much resembled it. By inflexibly persevering in the system which has now been fixed, we may hope in time to eradicate those prejudices, and introduce a more generous mode of proceeding, with respect to receipts and payments. The large sum collected in the last year, shows, that this effect has, in a great degree, already been produced in Bengal; and, in consequence of the increasing confidence in the stability and good faith of the British government, the population of these provinces has increased by the influx of inhabitants from the adjoining states, to enjoy the advantages of living under its protection. While, on the one hand, this circumstance evinces the flourishing state of our possessions, it, on the other, adds to the Company's receipts by the increased consumption of salt, from which a revenue of upwards of a million per annum has been collected in the last two years. In the last of those years the amount was nearly 300,000*l.* more, and the large sum thus realized is stated to have arisen not from an enhanced price, but from an increased consumption.

With respect to Madras, it has not yet been possible to establish a system of such regularity in the administration of the revenue. The introduction of similar regulations to those which have been adopted at Bengal must be a work of time. Innovations, however beneficial, must be made progressively; as it is only by degrees that the natives can understand how much their own good will be promoted by any alterations. But as the permanent security of property is the most certain means of increasing the population and prosperity of a country, I doubt not but such regulations founded on justice and sound policy, will be established, as will render the state of this settlement nearly, if not equally flourishing with that of Bengal. By the late treaty with the nabob of Arcot, the tributes of several of the southern Polygars, who had resisted the various demands

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made upon them, are to be collected immediately by the Company. The amount in the first year, has fallen short of the stipulated sum; but when they find their contributions equitably fixed, and the demands made on them not regulated by our necessities, but conformable to their agreements, I have no doubt but they will see it their interest to make their payments with greater regularity. The drought, which prevailed some time ago in the northern circars, has occasioned a deficiency of revenue from that quarter in the last two or three years; but as the country is recovering from the effects of that calamity, it will become more productive. The circars are also capable of being considerably improved, by the adoption of proper measures for ameliorating the administration of justice, and regulating the revenue system in these districts. The countries ceded by Tippoo Sultan produced a larger revenue in the last year than was collected from them in the one preceding; and the nabob of Arcot and rajah of Tanjore now pay their subsidies with punctuality. On the whole, as I have already observed, the revenues of this presidency appear to be equal to its ordinary expenses in time of peace; and when the improvements I have suggested shall be carried into effect. a surplus may probably be obtained, towards the provision of the profitable investment of coast goods.

The late account from Bombay show that the revenues of that presidency, and of the districts on the Malabar coast, are in a progressive state of increase. In the last year, the receipts amounted to 312,364*l.*; and for 1794-5 they are estimated at 354,883*l.* This latter sum is 35,742*l.* less than the amount estimated in the arrangement between the public and the Company in 1793; but a farther increase is certainly probable, as the ceded countries will, in the course of another year, be more recovered from the effects of the late war. Hitherto the revenues of those districts have fallen far short of the amount at which they were estimated in the treaty with Tippoo Sultan; but the progressive increase has been rapid, as in 1792-3, the amount collected was 44,140*l.*; in 1793-4 122,386*l.*; and for 1794-5 the estimated amount is 197,680*l.* The charges of this presidency I have already mentioned to be far higher than was computed for a peace establishment; but until the government of the newly acquired provinces is finally settled and the arrangements with the native princes, completed, a respectable military force must be kept in readiness, which increases the expenses in that department. The charges of collecting the revenues of the ceded countries will undoubtedly engage the attention of the government, as in the last year they amounted to above half the receipts; but on this the supravisor observes, that the expenses of that year are not to be looked upon as a precedent for future years. In other respects, the affairs of this presidency bear a very favourable aspect; the whole of the bond debt which bore 9½ per cent. interest, and has been for many years a heavy drain on Bengal, had been, by the advices dated in January last, paid off by notes bearing a less interest; and the 8 per cent. promissory notes, in like manner were expected to be discharged in a very short time; after which the debt will bear an interest of six per cent. only. But as no account was inclosed in this dispatch of the amount of debts, I have been obliged to refer to the debts as they stood on the 31st October 1793, when half the debt bearing interest was at 9½ per cent. In respect, therefore, to the amount of the debt owing at this presidency, and the annual interest thereon, the next statements must be considerably better than those now before the committee.

From these remarks on the general state of the revenues and charges of the British settlements in India, it appears that, notwithstanding the extra expenses which the present war occasions, the result is more favourable than was computed in the average estimate, on which my calculations were founded in making the late arrangement between the public and the Company; and that there is every prospect of our affairs in that country continuing in their present flourishing state. In concluding these observations on the prosperous state of the revenues of the British provinces in India, I am naturally led to the claims of the brave officers of the Company's army, whose services have so much contributed to the extension and security of those possessions. When the Company acted merely as a commercial body, their forces consisted only of a few guards stationed at their factories or seats of trade. With the accession of territory, a larger number of forces became requisite for its defence; and now, when the British power

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is second to none in Hindostan, its pre-eminence can only be maintained by a formidable military power, adequate both to repel any hostile attack on our own dominions, and to protect those of our allies. Accordingly, our military force in that quarter is not only greater than is maintained in time of peace by Great Britain, but is equal to the establishment kept up by some of the principal military governments in Europe. The gradations of rank, and the proportion of officers in the Company's service, have not kept pace with the increase of numbers; nor have sufficient regulations been established for the encouragement and reward of long and faithful services. The highest rank in their army is that of colonel, and the number of that rank is very *limited*; the elder officers, therefore, cannot look up to those elevated situations, which, in other armies are the reward of long service and tried abilities; and the younger see but a distant and discouraging prospect of arriving at the rank of colonel, or even to that of field officer. So slow is the progress of promotion, that thirty years indurance of a climate so hostile to European constitutions, is scarce sufficient to obtain a colonelcy; and neither *during that long* period, nor after an officer has *obtained that highest* rank, can he visit his native country, without losing his pay and emoluments during his absence. For those who have no other support than the income derived from their profession, and whose ill state of health, or impaired constitution, may render a temporary return to Europe absolutely necessary, there is not any provision, except such relief as may be obtained from the liberality of the court of directors, or the aid of their friends, without which humiliating support, such officers have only the dreadful alternative of dying in India, or lingering in indigence at home. To afford relief to the officers, in all these cases, will be the principal object of the arrangement for the army in India, at present under consideration, of which I shall just mention the leading principles, viz. that a certain number of general, and a larger proportion of field officers shall be allowed to each of the military establishments at the several presidencies; that a comfortable and honourable retreat shall, after a certain number of years service, be afforded to such officers as may wish to retire; and that officers whose state of health may require a temporary residence in Europe, shall have leave of absence, under medical certificates, with the approbation of the commanders-in-chief and the governments in India, without loss of rank or pay. Nor does it seem proper to confine the leave of absence merely to cases of ill-health; but in order to keep up that love for their native land which is almost universally implanted in every breast, but which long and uninterrupted residence in a foreign clime tends to alienate, a certain proportion of officers, in time of peace, should be allowed to return home, in rotation, for a limited time, in like manner, without loss of pay or rank. An arrangement formed on these principles will, I trust, fully redress the several grievances of which the Company's officers have complained in the memorials which have been laid before this House, and I feel great satisfaction in the reflection, that the improved state of the British revenues in India, the reduction effected in the amount of the debts owing there, and in the interest payable on those debts, will enable the company to carry the regulations proper for these purposes into effect, without any inconvenience to their finances, which will not be abundantly compensated by the satisfaction and zeal which the officers of every rank will feel, in the more certain prospect that their exertions in the service of their country will be readily acknowledged and liberally rewarded.

Mr. Dundas then moved his several Resolutions, which, after a short conversation, were agreed to.

Debate in the Commons on the Prince of Wales's Annuity Bill.] June 1. Mr Anstruther, Solicitor-general to the Prince of Wales, acquainted the House, "That the Prince of Wales, while the question relative to his Establishment was under the consideration of the House of Commons, had thought the proper conduct for him to observe was, to avoid expressing any opinion or wish upon the subject; fully sensible that the liberality and wisdom of parliament would make such arrangements as should be best suited to the situation of his affairs, the dignity of the royal family, and the interest of the public; but having understood, that it was the desire of many respectable persons, that his wishes and opinions upon the subject should be known, his Royal Highness had authorized him to assure the House, that he is extremely desirous that

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such regulations may be adopted, as to the wisdom of parliament shall seem most expedient and advisable, for the purpose of establishing order and regularity in the expenditure of his income, and to prevent the incurring of debt in future.—And, at the same time, his Royal Highness had authorized him farther to express his earnest desire, that the House will appropriate such part of the income, which they may intend to allot to him, to the liquidation of the debts with which he is embarrassed, as, under all the present circumstances, shall seem to the wisdom and prudence of the House most expedient and adviseable; fully sensible that, however large that appropriation may be, the House will be guided solely by the consideration of what shall appear to them the most conducive to his honour, and the interest of the public."

Mr. *Pitt* said, that in consequence of the communication which had just been made to the House, he rose with sentiments of much less anxiety and much greater satisfaction than he had experienced in any former part of this transaction. In bringing forward this business, he had not however been without consolation. He had satisfaction in contemplating the principles which had given rise to the difficulties attendant on the transaction. He observed with pleasure that a parliament which had never failed in any expression of loyalty to their sovereign, or attachment to his family, which had never been wanting in discovering a proper spirit of liberality, when the occasion called for it, had no less in the present instance shown a degree of jealousy, care, and circumspection, when a demand was made upon the pockets of their constituents, attended with some circumstances which they could not altogether approve. He had no less satisfaction in observing that the illustrious personage himself was impressed with a just sense of that line of conduct, which a regard to his character and situation required him to pursue, and he trusted that the House had that day received an earnest of the future dispositions of his Royal Highness, and of that regard to the welfare of the people, which would distinguish him in the exalted situation to which he one day might be called. Under that impression, he hoped that there would be little difference of opinion as to the proposition which he should submit to the House. The instruction which he meant to move went precisely to the two objects referred to in the communication from his Royal Highness—the regulation of the expenditure of his household, and the appropriation of part of the income for the discharge of debt. The question at present was, whether the aid of parliament ought to be given to his Royal Highness, by adopting legislative regulations for the discharge of debts, which it was admitted on all hands ought never to have been contracted? Without any retrospect to the past, over which he wished to draw a veil he appealed to the fair and candid feelings of the House, whether they could refuse to adopt a measure so necessary for the character and credit of his Royal Highness, and so intimately connected with his personal comfort and the splendor of his rank? He concluded with moving, "That it be an instruction to the gentlemen, who are appointed to prepare and bring in a bill for enabling his Majesty to grant a yearly sum or sums of money, out of the consolidated fund, towards providing for the Establishment of their Royal Highnesses the Prince and Princess of Wales; that they do make provision in the said bill for establishing a regular and punctual order of payment in the Prince's future expenditure, and for guarding against his incurring debts in future; and also for appropriating a proportion of the Prince's annual income, towards the gradual discharge of the incumbrances to which his Royal Highness is now subject."

Mr. *Duncombe* said, that with whatever concern he might rise to obstruct any proceeding that professed to have for its object the ease and comfort of his Royal Highness, he considered the call of duty as paramount to all other considerations. It was the duty of the representatives of the British nation to speak, when the occasion warranted, with a proper boldness, to persons even in the most exalted station. Under this impression he must say that parliament could not, consistently with their duty to their constituents, or with that inviolable regard which they owed to truth and fidelity, after the solemn assurances they had received on a former occasion, consent a second time to pay the debts of the Prince of Wales. At a time (said Mr. D.) when the comforts and conveniences of life are wanting to the middle classes of society, when the poor are scarcely supplied even with common necessaries, and when the prospect

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of a dearth becomes every day more alarming, I cannot listen to idle claims of splendor and magnificence: I trust that at such a time the benevolent feelings of his Royal Highness will dispose him rather to sympathize with the distress of the lower orders, and to sacrifice something for their relief, than to form selfish and extravagant pretensions. In these distempered times, let us beware how, by a wanton profusion of the public money we furnish the favourers of wild and dangerous innovations with a colour of plausibility for their arguments. As a friend to the hereditary monarchy, I feel myself called upon to resist the motion. Let us recollect that there are other branches of the royal family. If, after the assurance we received, we again consent to pay the debts of *his* Royal Highness, we shall establish a precedent, of which we cannot tell to what extent it may be carried. I do not mean to say that the debts ought not to be paid, but I look to other resources for that purpose: I look first to the justice of his Royal Highness, to make provision for the payment of those debts that shall be proved to be just; I look to future economy in the regulation of his household; and lastly, I look to the assistance which he may derive from the well-known munificence of his royal father. As the idea of a temporary retirement has been suggested, I have only to remark, that from such a retirement his Royal Highness may reap great advantage in settling his affairs, and be again enabled to emerge with fresh splendor. Retirement is the nurse of reflection; by its influence his Royal Highness may be enabled to confirm those resolutions which he has expressed in his communication to the House, and to return into public life fortified against future error, and qualified for the important duties of that high station which he may one day be called upon to fill.

Mr. *Curwen* expressed his satisfaction at the message. He hoped it would prove, on the part of the Prince, an earnest of his future attention to the happiness of the country. He remarked on the cruelty that would be attached to the situation of his illustrious consort, if, by a refusal of that House to make any provision for the debts, she was left exposed to the taunts and insults of creditors. He wished his Royal Highness to be put in a situation to obtain respect, and to deserve it; he had therefore voted for the larger income with a view to the application of a considerable part of it to the discharge of the debts. He regretted that the House had as yet received no communication on the subject from his majesty. He had hoped that he would have done something considerable, in the way of extricating the Prince from his difficulties.

Mr. *Grey* said, that every one must have felt satisfaction at the message from his Royal Highness. He was happy to receive it, not as a measure taken upon the spur of the occasion, but as the sincere expression of his feelings, with respect to the House: he wished, indeed, that the whole grace of the transaction had belonged to his Royal Highness; that it had not been suggested from any other quarter; that ministers had first come to the House for a proper establishment, and when it had been granted, that the message had followed from the Prince, requiring the appropriation of part of his income for the discharge of his debts. At any rate, he must consider ministers as responsible for the former message, which contained the assurance that no second application should be made. They ought undoubtedly to have taken some means to enforce that assurance, and they were now bound to explain to the House why such means had not been taken. After what had passed, no reliance could be had that those provisions which might be made with respect to future conduct, would be of any avail. The only way the House had of discharging their duty was, to meet the present application with a direct refusal. His hon. friend had stated that by this refusal her Royal Highness would be exposed to taunts and insults. He hoped that even with the smaller income and proper economy, there would be found sufficient means to make provision for the discharge of the debts, more especially as in such a situation the Prince would be able to come to a composition with his creditors upon much better terms than if the idea was to be held out, that the business was to be taken up by that House. We knew that there were great means in the possession of an illustrious personage, and it was to be hoped that he would be induced to come forward with his assistance.

Mr. Secretary *Dundas* said, that the House had already decided for an income of 125,000*l*. The motion was not an application for a sum of money for the discharge of the debts; the only question

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was, whether the whole income should be left to the unlimited disposal of the Prince, or whether the expenditure should be put under regulations, and an appropriation made with a view to the gradual extinction of the debt. He was surprised at one resource, which had been pointed out by some hon. gentlemen, in the affection and benevolence of his royal father. They had repeatedly had occasion to examine the situation of his majesty with respect to the civil list. The civil list was indeed large, but was wholly appropriated to particular services, except the sum allotted for his majesty's privy purse. The idea of such a resource arose out of miserable feeling, which he was surprised any gentleman could entertain. He knew not of the existence of any such sum as that which had been referred to. Besides, he would ask, with that numerous family with which his majesty was blessed, were there no other objects who claimed his royal munificence and attention? The Prince of Wales was the last who might be supposed to have such a claim; he, from the situation in which he stood, was the peculiar care of the public. Allusion might be made to the revenues which his majesty derived from the electorate of Hanover. But had his majesty no state to support in that quarter? Was he to rob his Hanoverian subjects in order to pay debts contracted in this country by the heir apparent to the British crown? The appeal which had been made on this subject, he could consider as neither fair nor candid, and, as such, he should dismiss it without further observation; declaring on his honour, that his majesty was not in a condition to discharge his Royal Highness's debts.

Mr. *Montagu* thought it highly fit that parliament should regard itself as a tutor to the Prince, because, speaking politically, he conceived his royal highness the son of the people, and therefore he thought it proper that his affairs should be under the superintendence of parliament. It was possible, if the whole income were to be under his own control, for him to have bad advisers, and he might postpone the liquidation of his debts, and contract new ones.

Mr. *Powys* had no doubt that this communication would conciliate the affection of the House, and of the public, but that circumstance neither would nor ought to alter the principle upon which gentlemen agreed to give aid to his Royal Highness. His objects in this business were two, one the establishment, the other the provision for the debt. In his vote upon the first, he thought it his duty to concur in making a provision liberal and ample. With regard to the second point, he would ask, did the House, by adopting this motion, impose any additional burthens on the public? This instruction was only to enable the House hereafter to proceed upon a certain plan. He did not doubt the disposition of his Royal Highness to discharge his debts, but that was out of his power, and therefore a legislative provision became necessary.

Mr. *Fox* said, that his Royal Highness by his communication, had acted in a manner that did him honour; and he trusted he would finish a plan which he had so worthily began. With regard to the motion he confessed he did not know upon what principle opposition was made to it. It was simply the setting apart some of the income of his Royal Highness, for the purpose of discharging his debts. It might be said, that the Prince could do this himself: he certainly could not effectually, nor could he without the aid of parliament adopt a plan that would satisfy his creditors. He owned there was a point on which he could not help touching as being extremely applicable to this case. He thought the House might look for some resources upon this occasion from his majesty. He most egregiously mistook the sentiments of the public, if something of this nature would not be very well received by them. He did not say that the whole 600,000*l.* should be paid by his majesty; but he would say because he felt, that it appeared a little unseemly, that at a time of such general calamity, his majesty should be the only person in the kingdom who did not contribute a single farthing towards the discharge of the incumbrances of the Prince of Wales. He hoped his majesty would be better advised upon this subject. A glorious opportunity offered itself for the display of royal munificence, and liberal conduct upon such an occasion as this would do more, even for the constitution, than the most vigorous exertion of the arm of power. It was unfortunate that some one had not advised his majesty to lead the way, and show the public an example of liberality upon this occasion. When this subject should come to be discussed, happy should he be if the House, by a gracious communication,

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should be given to understand that the illustrious personage to whom he alluded intended to take some share of the burthen. He trusted also, that the whole of the additional income of his Royal Highness, together with the duchy of Cornwall, would be appropriated solely to the liquidation of the debts. It would take ten years even then to discharge them. But he still adhered to the idea of making a very different disposition of the duchy of Cornwall from what had been proposed by the minister. According to his idea, the public would have a considerable advantage by the sale of the duchy, in a pecuniary sense, as likewise from the diminution of the patronage of the crown, already much too extensive; and it would also place many gentlemen, now interested there, in a situation less dependent than they were at present. And further, it would relieve his Royal Highness from dependence on the crown, and on the minister of the day, a thing in itself extremely desirable as well for the heir apparent of the throne as for the interests of the public; for a prince ought to be an opulent and independent nobleman, before he should become a wise, virtuous, and illustrious monarch; and in proportion to the elevation of his rank, must a state of dependence be painful to his feelings, and dangerous to the public.

Mr. *Anstruther* did not pretend to say, that parliament had not the power to order the duchy of Cornwall to be sold; but he must observe, that the duchy was not the absolute property of the Prince; for if he were to die to day, the duchy would vest in the duke of York to-morrow, and the House would have as good a right to order the estate of any individual to be sold as this estate. There had been a good deal of misapprehension as to the value of this estate; two-thirds of it were not rent out of land, but a duty on tin, and the other part consisted of a dry unimproveable rent.

Mr. *Bastard* opposed the principle of parliament interfering at all with the debts of the Prince. He thought the precedent a dangerous one, and that it would have been better to have left it to the Prince, to apportion what part of his income he pleased to the payment of his debts.

Mr. *Whitbread* said, he did not agree with those who contended that this motion would not tend to increase the burthens of the people; on the contrary, it seemed to him to tend to that object, because, by that House taking upon itself to make these regulations for the liquidation of the debts, they were taking the first step towards pledging themselves for the payment of them contingently. He did not hesitate to say, that the crown was bound to come forward upon this occasion; because, during the minority of his Royal Highness, the whole of the income of the duchy was received by his majesty.

Mr. *Lambton* said, that the subject was more of a national than a personal nature. Upon what grounds were large supplies and subsidies voted in the course of the war, but from a motive of national advantage? Upon the same grounds, gentlemen should not hesitate to vote for the extinction of his Royal Highness's debts. How was it consistent to vote the Princess a dower of 50,000*l.* a year, and with the same breath make her suffer from the imprudence of the Prince previous to his marriage? It was stated, that the Prince would one day or other be extricated; but this reminded him of the old adage "While the grass grows the steed starves."

Mr. *Bouverie* said, that as the House had once already paid the debts of his Royal Highness, and that under the pledge that no such embarrassment should again happen, they could not, consistently, vote away the public money for such a purpose.

Mr. *W. Smith* opposed the motion, because the House had a right to know the amount and nature of the debts before they were called upon to pay them.

Mr. *Francis* said, he was very desirous that the principles on which he had already voted, and those on which he meant to vote that night, should be exactly understood. When the question was put to him on a former occasion, what establishment he would vote for, upon a general view of the provision fit for the heir apparent, combined with the situation of the country, and abstractedly from any consideration whatsoever of his Royal Highness's debts and incumbrances; the answer he gave it by his vote was, that 100,000*l.* was sufficient. But he did not mean by that vote to preclude all consideration whatever of the debts. The House had determined in favour of the higher establishment. The question, therefore, now before him was, whether he would or would not concur with a proposition made by his Royal Highness himself, to apply a considerable portion of

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the sum they had already voted, and which, whether so applied or not, would be equally a burthen on the people, to the discharge of his debts, or whether that whole income should be left without any obligation upon it, and finally, perhaps, be spent without having contributed materially to that very service, on account of which, in the minds of many gentlemen, the higher establishment had been consented to. This being strictly the state of the question he did not see how he could conscientiously refuse his assent to the proposition as it stood.

Sir *John Call* argued for an immediate disharge of the debt. The best and least burthensome way of providing for it, he conceived to be the sale of the duchy of Cornwall.

Mr. *Wilberforce* thought that some inquiry ought to be made, as to the manner in which the debts had been contracted, because it might be productive of some advantage.

Sir *W. Dolben* would vote for the instruction, because formerly the House had only the assurance of the minister upon the subject, but the message of that day expressed, that his Royal Highness himself was desirous to avoid future embarrassment, and upon this assurance he had great reliance. He saw no reason the country had to look to his majesty for the payment of any part of the debts.

Mr. *Bankes* said, he conceived the voting of any sum for the establishment of the Prince, as totally distinct from voting money to pay his debts, which he thought the House ought not to be called upon to do, after the Message of 1787. The payment of debts must always be unpleasant to that House. He did not approve of measures that went only to check such things, and thought that the only way to prevent them in future was, by not paying the debts now incurred.

Mr. *Sumner* opposed that part of the motion which appropriated any part of the income to the Prince for the payment of his debts. The two questions were not fairly before the House, and ought not to be blended. He therefore moved an amendment, by leaving out the words "and also, for appropriating a proportion of the Prince's annual income, towards the gradual discharge of the incumbrances to which his Royal Highness is now subject."

Mr. *Grey* seconded the amendment, because he thought it tended to simplify the motion. He declared himself entirely against the payment of the debts in any way, as a question that ought not to be entertained by the House. He was against pledging the House or the public in any way, that might eventually or contingently lead to fixing a burthen upon them to pay those debts, with which he thought they had nothing to do.

Mr. *Fox* contended, that the House, by agreeing to the instruction moved, were not pledged for one farthing of the debts. He lamented the necessity for setting apart any precise quantum of the Prince's income for the payment of his debts; because that ought to be determined by himself; but the difficulty he felt on that point was obviated by the message which the House had just received.

Mr. *Sheridan* said, that the only question that ought to be before them, was simply whether the debts were to be paid or no? But by the mode in which it had been brought forward, this direct question might be evaded. The public certainly never would believe that the minister proposed an income of 125,000*l.* for the Prince, without any reference to the debts; and they ought not to be trifled and quibbled with, by being told at the same time that they were not pledged to pay them; they ought not to be deluded, humbugged, and deceived in that way, but fairly and at once to know whether they were to pay the debts or not. It was not his intention that night to vote either way. He was against giving any instruction to the committee, relative to the payment of the debts; yet he would give it as his positive opinion, that they ought to be paid immediately, for the dignity of the country, and the situation of the Prince. He ought not to be seen rolling about the streets in his state-coach as an insolvent prodigal; but, while he ought to be relieved from his embarrassments, the public should not be burthened with the pressure of a hair. In coming to that House to pay his debts, the Prince had been ill advised. The debts might and ought to be paid. If it was meant to keep monarchy respectable in the eyes of this country, a different conduct should have been pursued. The sum of 2 or 300,000*l.*, was trifling, when compared to the unbecoming situation of an heir apparent to the crown, without independence, and, what was worse, without character.

The question being put, "That the words proposed to be left out, stand part of the question;" the House divided:

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Tellers.

Yeas	Mr. Anstruther Mr. Powys	266
Noes	Mr. Grey Mr. Sumner	52

So it was resolved in the affirmative. Then the main question being put, the House divided:

Tellers.

Yeas	Mr. John Smyth Mr. Sylvester Douglas	232.
Noes	Mr. Sturt Mr. Whitbread	46

So it was resolved in the affirmative.

June 5. Mr. Pitt moved, "That this House will, on Monday next, resolve itself into a committee of the whole House, to consider of providing for the appropriation of an annual sum out of the consolidated fund, for the liquidation of such of the debts, now owing by his royal highness the Prince of Wales, as may remain unpaid, in the event of the decease of his Royal Highness."

Sir *William Young* said, that because he was attached to the royal family he did not wish the debts should be taken notice of *all*. The mode of procedure adopted by the right hon. gentleman tended to degrade the Prince of Wales: it put him, as it were, in leading-strings, and held him out as unworthy of confidence.

Mr. *Fox* said, that he conceived no such construction could apply to any measures taken to regulate the expenditure of his Royal Highness. When the House voted for Mr. Burke's bill, they had acted in the same spirit. He then conceived that the elevated situation of his majesty gave a right to that House to lay him under the restrictions which they then imposed; because, proud as his situation was, he owned no greater station than that of servant of the people. Before, in the present instance, he consented to burthen the people, he wished to know, whether what he should grant would be effectual for the purpose for which it was demanded. As far as he understood, there was no compulsion upon the creditors to accept of the terms now offered. He did not wish to impose an additional burthen upon the public without some reasonable certainty that it would really be effectual. The whole of the business had been conducted unfortunately. There ought first to have taken place some arrangement between the Prince and his creditors, that it might be known what terms would be accepted, if a certain security was given. The right hon. gentleman had intimated his intention to fill up the blank in the committee with the whole additional sum of 65,000*l*., and the revenue of the duchy of Cornwall. He certainly did not think the sum of 78,000*l*., a year too large for the purpose of liquidating the debt. But how was the right hon. gentleman to get at the revenue of the duchy of Cornwall, as he understood that the present income of his Royal Highness was conveyed in trust for the benefit of his creditors? It was very unfortunate that the House should be called to impose a contingent burthen upon the public, without either the certainty of relieving the Prince of Wales, or of satisfying his just creditors.—He was now called upon to perform the last disagreeable task which had fallen to his share in the present discussions. He had not flattered the people, for he had voted for the larger sum; he had not flattered the Prince, for he had pretty plainly explained his sense of the manner in which that sum ought to be appropriated; nor would he, in what he had now to say, flatter that other party, whose immediate favour might be deemed still more important. He sincerely lamented that parliament had received no intimation from his majesty, that in any possible contingency he would take upon himself the charge of the debts. They might then have had the consolation to say that it was a transaction which had been equally unfortunate for all parties; that the public had suffered from the imposition of an additional burthen; that the Prince had suffered from a diminution of splendor; and that his majesty had suffered in common with his family and his people. If the bill went forward, he certainly should vote for the appropriation of the 78,000*l*., which would extinguish the debt in about nine years. The risk of the public in that case was certainly not great; but why, he asked, should the public be subjected in this instance to any contingent risk? He proposed to move, that in case of the demise of the Prince of Wales, the portion of his debts, which should then remain unpaid, should be defrayed out of the civil list. It might be said, would not so large a defalcation oblige parliament to grant an additional supply to the civil list? To this he would only answer, that it would then remain for parliament to consider whether the state

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the civil list was such as called upon them for an additional sum. If the civil list should be lightened of some of the burthens with which it was at present charged, it might then be adequate to undertake the debts; if not, it would be for parliament to consider, what supply it would be proper to grant. Some gentlemen had lamented that the Prince's debts should be mentioned at all in a parliamentary way, after the promise contained in the message of 1787. As to that promise, it might have been made without consideration; but the House in the address recited that promise the Prince knew that, and by accepting the terms, deliberately bound himself. He adverted to the argument that had been urged, that parliament were bound to provide for the debts as having approved of the marriage of his Royal Highness. How much more, then, his majesty, who was an immediate party in the contract? Was he to be supposed the only one who was ignorant of the embarrassments under which his son laboured? Gentlemen should recollect that the marriage was concluded without the knowledge of the House, and would, but for the casual severity of the season, have been consummated before parliament met. Nothing but absolute necessity could induce him to lay any additional burthen on the public. He was perfectly convinced, if his Royal Highness was assisted by the credit of his royal father, that with the annual appropriation of 78,000*l.*, the creditors would be perfectly satisfied with their security.

Mr. *Jekyll* said, that after the heavy load of taxes already sustained by the people, he would not consent to add the weight of a single hair to their burthens, unless it could be made out that they had no other resource to look to. A temporary alienation of the duchy of Cornwall might produce a considerable sum. To vote 125,000*l.* for the establishment of the Prince, was not liberality but justice, as every man who considered the relative value of money must be convinced that a less sum could not be sufficient. No reason had yet been given why a resource might not be found in the sale of the Crown lands. With respect to the revenues of the duchy of Cornwall from the birth of the Prince to his attaining the age of twenty one, he conceived that the commissioners to be appointed by the bill must have powers to inquire into debts due to the Prince, as well as into debts due by him, and that it would be their duty to inquire into this matter, and sue for the recovery of the money if necessary. He wished to see royal resources applied to the relief of royal embarrassments.

The *Attorney General* expressed himself truly sensible how necessary it was for that House to consider the essential interests of the Prince of Wales: but it would not be to study his fundamental and permanent interests, if they did not at the same time also consult those of the public. Gentlemen seemed to forget that the law of the land would attach upon the income voted to the Prince, for the benefit of his creditors, unless the House interposed. All that they were now called upon to do, was, to provide for a judicious application of that money to the liquidation of the Prince's debts, which otherwise he might be compelled to apply in a more unpleasant and less effectual manner. He was, he owned, a little astonished to hear the learned gentleman talk of the temporary alienation of the duchy of Cornwall, without specifying the limitation of the time. This was loose and incorrect; if he meant the Prince's life estate, he certainly might legally dispose of it; but if the learned gentleman would consult the original charter, he would find that he could not legally dispose of the fee simple; it was simply the property of the Prince of Wales for the time being: a property held in succession, and no principle of justice could warrant the total alienation of it, but suppose it could be alienated for the payment of these debts, they then would be paid by the public, and out of a public fund; for as these revenues were in aid of the income of the Princes of Wales, that income must be increased if they were alienated. The same principle, applied to the sale of the Crown lands; the hereditary revenues of the crown were necessary for the support of regal dignity? and if the forests were capable of improvement, so as to yield a large revenue that might be made applicable to the support of the monarchy, it would make it unnecessary for the people to contribute an increase. He doubted whether the revenue of the duchy of Cornwall was to be accounted for during the minority of the Prince of Wales. In every instance, since the first grant of the duchy, the king had maintained the Prince of Wales out of the revenues, till he thought proper to give him the livery of the duchy, which he might do at any age. The revenues of Cornwall might be considered as for

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knights service, and regulated by the act of Charles 2nd. Since the reign of Edward 3d, no king had been held accountable for these revenues during the minority of the heir apparent. In law a guardian in soccage, as a father to a son in private life, was held accountable; but a guardian in chivalry was by no means accountable, nor ever had been held so. If the revenue, during the period of the Prince's minority, was the property of the Prince, it was the property of his creditors. If the money had been applied to the general purposes of the civil list, it had been applied to the public service, and the public, not the king, must refund. He saw no benefit that would arise from charging the contigent burthen upon the civil list in the first instance; but if necessary the law would decide; the king was amenable to the law, and though he might not be sued by as pressing means as his subjects, yet might debts due by him be as effectually recovered as from any individual; and the trial of a single case would determine the whole. Let the Prince of Wales therefore, if he pleased try; but his Royal Highness would certainly then bear in mind what he had already received from his royal father from his infancy.

Mr. *Sheridan* said, that as he found it impossible for him to vote a shilling, nay the weight of a hair, of the public money, for the payment of the Prince's debts, he must make his stand against that proposal; at the same time, he could not agree with the plans suggested by his learned friend, for the sale of Cornwall, or the forest lands. He had no objection to the sale of the duchy of Cornwall, but he could not agree to have all the money arising from such sale applied to pay the Prince's debts. The duke of York had a contingent property, and all subsequent princes would be injured: but if the duchy was sold, and an equivalent to the Prince's life estate only applied, he thought the sale would be attended with many advantages. The greatest part of the revenues were swallowed up in the collection; it answered the purposes of jobbing and court influence. The duchy though nominally of Cornwall, was ridiculously split and dispersed; we had Cornwall in Coventry, in Lambeth, and in Westminster; and, as a property, it could not possibly be less beneficial or productive in any other shape or figure. The plan which he should propose would be of a different nature. He would not wish to press on the civil list. The commissioners to be appointed by the bill, ought to have the power of inquiring into the Prince's right to the revenues of the duchy of Cornwall, during his minority. If his right should appear, and if the money should be to be refunded by the public, the difference would be, that of the prince's being solvent or insolvent. In voting 125,000*l.* a year for the Prince's establishment, were not gentlemen conscious that they were voting 25,000*l.* a year for the liquidation of debts while they professed to be doing no such thing? To vote more than 100,000*l.* a year, was laying down the prodigal principle, that every future Prince of Wales was to have an equal income with that now voted. The minister who proposed it was not consistent with himself; for he had formerly thought 60,000*l.* not only sufficient but ample. Would any man contend that the Prince's marriage called for an addition to his income of more than double? That the Princess of Wales, for whom, in case of the death of the Prince, 50,000*l.* was thought sufficient to maintain an entire establishment, would occasion an increase of expense to an existing establishment of 65,000*l.* a year? He thought the Prince's debts ought to be provided for in the first instance; but he should oppose taking any thing from the sinking fund, immediately or contingently, for that purpose, till he had taken the sense of the House upon a plan he meant to suggest. The minister would have consulted both the king's honour and his own, if when the marriage was proposed, he had said that he would not bring down a message calling upon the House for money, unless his majesty would bear a part of the burthen. It was the duty of ministers to have done this in the first instance, but as they had not done so, it became the duty of parliament. If the worst of Jacobins had devised a plan for disgracing the Prince of Wales, and dishonouring the crown, it would have been such a plan as ministers had brought forward. Were the expenses incurred by the Prince so very unpardonable? His majesty possessed many great and good qualities; but on the subject of expense, or of keeping promises with the public would the Prince suffer by comparison with his majesty. When an establishment for the Prince of Wales was first proposed, the duke of Portland and his colleagues in office, were of opinion that it ought to be 100,000*l.* His majesty thought otherwise, and it was settled at 50,000*l.* He had soon after

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opportunities of seeing the Prince's embarrassments from the narrowness of his income, and the feelings to which those embarrassments gave rise. Although holding no official situation about his Royal Highness, the Prince honoured him with his confidence, and often asked his advice, chiefly from the knowledge of his fixed determination to accept of no obligation of any kind whatever. It was not his custom to answer calumnies, many of which he had suffered to pass unnoticed; but he now declared, in the face of the House and of the country, that he never received from the Prince of Wales so much as the present of a horse or a picture. Lately, he had seen his Royal Highness but seldom, from circumstances, which, although it had always been his opinion that a prince of Wales ought to adopt no party in politics, it was unnecessary to explain; but on that very account he was the more desirous of doing justice to the Prince, especially, when he saw a disposition to place every part of his conduct in the most odious point of view. Let gentlemen recollect, what was paid for the Prince in 1787. It was 160,000*l.*, of this 60,000*l.* was for Carlton House, and 80,000*l.* more was voted to complete the building. A suspicion arose, that this money was not applied to the purpose for which it was voted; but upon investigation by a committee, it was found to be faithfully applied. Take all the money he had got from the date of his first establishment to the present day, and it would be found not to exceed 75,000*l.* a year. In 1787, a pledge was given to the House, that no more debts should be contracted. By that pledge, the Prince was bound as much as if he had given it knowingly and voluntarily. To attempt any explanation of it now would be unworthy of his honour, as if he had suffered it to be wrung from him, with a view of afterwards pleading that it was against his better judgment, in order to get rid of it. He then advised the Prince not to make any such promise, because it was not to be expected that he could himself enforce the detail of a system of economy; and although he had men of honour and abilities about him, he was totally unprovided with men of business, adequate to such a task. The Prince said he could not give such a pledge, and agree to take back his establishment. He (Mr. S.) drew up a plan of retrenchment, which was approved of by the Prince, and afterwards by his majesty; and the Prince told him, that the promise was not to be insisted upon. In the king's message, however, the promise was inserted; by whose advice he knew not. He heard it read with surprise, and being asked next day by the Prince to contradict it in his place, he inquired whether the Prince had seen the Message before it was brought down. Being told that it had been read to him, but that he did not understand it as containing a promise, he declined contradicting it, and told the Prince that he must abide by it, in whatever way it might have been obtained. By the plan then settled, ministers had a check upon the Prince's expenditure, which they never exerted, nor enforced adherence to the plan. In so far, ministers, and not the Prince, were to blame. In the expenditure upon Carlton House, they were still more blameable, for with complete authority they had never interposed to stop the most extravagant and useless waste of money. By the bill, the House was declared a public work, and the money expended upon it to be put out of the power of the Prince's creditors; the public ought, then, to pay for it. While ministers never interfered to check expenses, of which they could not pretend ignorance, the prince had recourse to means for relieving himself from his embarrassments, which ultimately tended to increase them. It was attempted to raise a loan for him in foreign countries, a measure which he thought unconstitutional, and put a stop to: and after a consultation with lord Loughborough, all the bonds were burnt, although with a considerable loss to the Prince. After that, another plan of retrenchment was proposed, upon which he had frequent consultations with lord Thurlow, who gave the Prince fair, open, and manly advice. That learned lord told the Prince, that after the promise he had made, he must not think of applying to parliament; that he must avoid being of any party in politics, but above all, exposing himself to the suspicion of being influenced in political opinion by his embarrassments; that the only course he could pursue with honour was, to retire from public life for a time, and appropriate the greater part of his income to the liquidation of his debts. This plan was agreed upon in the autumn of 1792. Why, it might be asked, was it not carried into effect? About that period, his Royal Highness began to receive

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unsolicited advice from another quarter. He was told by lord Loughborough, both in words and in writing, that the plan savoured too much of the advice given to M. Egalité, and he could guess from what quarter it came. These plans were soon after given up. By the plan now proposed, the Prince had not the grace of suggesting either the retrenchments, or the checks upon his future conduct. His past misconduct was exhibited in the harshest point of view; he was set in a gilded pillory; sent to do public penance in an embroidered sheet. He was left in possession of too much income to exempt him from envy, and too little to exempt him from scorn. To pay the debts, something ought to be given by the king. There were debts due to honest tradesmen, to which no exception could be taken. There were on the establishment gentlemen of honour, whose salaries were fourteen quarters in arrear; and to some of them it must be a great inconvenience not to be paid. The debts ought therefore to be divided into two parts, and those of the descriptions above-mentioned discharged immediately. Carlton House being made the property of the public for ever, the public ought to pay the expense of rebuilding it. This would reduce the debts to 500,000*l.* To pay the interest of this at 5 per cent. would require 25,000*l.* For this he did not mean to apply to the civil list, which might now be almost considered as identified with the consolidated fund. In the last reign, the sum appropriated to the privy purse was 36,000*l.* a year. In the beginning of the present, it was 48,000*l.* In 1777, when the debts of the civil list were paid and 100,000*l.* a year added to it, the privy purse was made 60,000*l.*, and the queen received 50,000*l.* for her establishment, all their majesties houses and villas were now finished, and they had no expenses to incur in the way of paraphernalia. The first and most natural feeling of a parent would be, to make some sacrifice to retrieve the imprudence of a son. He should therefore expect 10,000*l.* a year from his majesty's privy purse, and 5,000*l.* a year from the queen's establishment; for the remaining 10,000*l.* a year, he would look to those places and sinecures, which neither added dignity to the crown, nor were calculated to afford it support. He would just instance the place of teller of the exchequer, which produced between 18 and 20,000*l.* a year. For the sinking fund he would not take away any gentleman's sinecure place, but appoint a committee as trustees, in whom might be placed the revenues of useless offices, which, after the death of the present holders, and as they fell, should be gradually applied to extinguish the principal. When they should be all paid off, it would be of service to our posterity, who would look back with exultation and gratitude for our arrangement, and with wonder that such places ever existed. For his part, he was a staunch friend to the British constitution, but was no friend to its abuses. There was one class who loved the constitution, but did not love its abuses; a second class loved it with all its abuses; and there was a third class —a large interested party, amongst which he placed his majesty's ministers, who loved it for nothing else but its abuses. But let that House, the best part of the constitution, consider its own honour and character; let all parties, as well those who were gorged with sinecure offices, as those who had none, have a contest who shall be most eager to destroy them. Let us, by such a measure as he now called for, build the ease and dignity of the Prince on the ruins of idleness and corruption, and not upon the toil of the industrious poor, who may think their loaf decreased by the payment of his incumbrances. He concluded by moving an amendment, by inserting, after the words "consolidated fund," these words, "provided it shall appear to this House, upon due investigation of the subject, that the means of paying the said annuity, or part thereof, or of his Royal Highnes's debts, cannot be derived either from his majesty's civil list, or from the suppression of sinecure offices and useless places now paid by the public."

Mr. Secretary *Dundas* said, the hon. gentleman had informed the House, that in 1787, when the debts of his Royal Highness were paid off, the promise which had been given to the House did not, in point of fact, come from the Prince, but had been given by ministers against his consent. To this positive assertion he had but one short answer to make—the message was read over to his Royal Highness before it was delivered in parliament, and no objection was stated to it. He was sure it would not be said that his Royal Highness was unacquainted with the force of the English language, and therefore it was to him a matter of great surprise that

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his Royal Highness should be ignorant of its contents. The object which ministers had in contemplation was, to effect the discharge of the Prince's debts with as little burden and risk as possible to the public. The plan proposed, in his opinion, attained this end. According to the mode suggested by the chancellor of the exchequer, the public were only responsible contingently upon the Prince's demise; of course, some degree of risk was run by the public; but he wished the House to compare the risk on the one hand with the advantage on the other. From the circumstance of the public guaranteeing the payment of the debts in case of his Royal Highness's death, the creditors had been induced to accede to this plan of payment: this was a considerable point gained, and the risk was certainly small. But instead of having the public security, the hon. gentleman wished to substitute that of the civil list. Now the civil list was never considered as good security as the public. But if at present the public did not approve of the civil list as a security, how much less so must they consider it, if the civil list was voted annually? This was a proposition that went so far beyond even the wildest plan of reform, that he could not suppose the hon. gentleman was serious. The civil list was granted to the crown, in lieu of the landed property it formerly possessed; and this change was considered as a favourable one to the constitution. But the House would recollect, that the sum voted for the civil list was distributed under various heads of service, and under the control of different officers; and he would venture to assert, that the annual amount of the civil list was not more than adequate to the purposes to which it was applied. But it had been asserted that his majesty ought to contribute something to the payment of the Prince's debts. He thought the hon. gentleman had not considered this point with his usual accuracy, or he would never have pressed this argument, for it was clear that his majesty was less called upon to provide for his eldest son than any other part of his family, because the Prince was considered, in some degree, as the property of the public. Why should his majesty be called upon to discharge any of those incumbrances which he could not prevent being contracted? With respect to taking a part of the queen's private purse to pay the Prince's debt, he would not appeal to the judgment of the House to reject the proposal, he would appeal only to their taste; it was a kind of proposition which could not properly be argued. Her majesty had 50,000*l.* a year allowed her for her own expenses and for those of the princesses, and yet 5,000*l.* was to be picked out of her majesty's private purse for a purpose, and in what manner the hon. gentleman could best suggest. As to the other part of the hon. gentleman's plan, when he talked of converting all useless offices to the purpose of defraying the Prince's debts, and called that not taking it out of the pockets of the public, he professed he could not understand how it was so. If these were places of no use, abolish them; but what then? Did not the money so saved revert to the public purse? and was it not as much taking money from the pockets of the public otherwise to apply it, as any other mode could be? As to the other parts of the hon. gentleman's speech, he thought them of such a nature as best to be passed over in silence; he should not therefore attempt to reply to them.

Mr. *Bankes* said, he wished to give a direct negative to the original motion, but could not agree in the amendment. He would vote, as he had formerly done, against so large an income being given to the Prince. He thought the creditors of the present day were very different from the creditors of 1787; then they were ignorant of the Prince's situation, but after the Message delivered to parliament, those who gave him credit ought to take the risk.

Mr. *Fox* said, he could not agree to the amendment moved by his hon. friend, He thought with the right hon. secretary, that it was better to give the civil list to the king for life, than annually. But he could not agree with him, that the king should not come forward upon this occasion, because the debts were contracted without his knowledge, and out of the power of his control. For if this reason applied to the king, it surely more forcibly applied to the public. The Prince ought not to be accused of breach of promise. He did not believe that he had got into this dilemma intentionally; but ministers were much to blame for the bad advice they had given both to his majesty and to the Prince. It must always be an unpleasant thing to lay new burthens on the people for the royal family. What had happened in a former reign had shown the impolicy of such steps; and they

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must be particularly obnoxious at present. If the king had had honest ministers about him, they would have advised him to have come forward. He thought the new advisers of the Prince had not increased his popularity; and he believed, that his own wish and inclination three years ago was, to have retrenched his expenses, in order to get into some probable train of paying his debts: but it was suspected; and he, for one, was now certain of it, that very different advice had been given to him; and that the example of M. Egalité was held out as a warning, that, to take any steps such as were proposed, would be dangerous to the cause of monarchy. He thought his hon. friend had done well in proposing that the civil list should contribute towards the payment of the debts.

Mr. *Anstruther* said, that giving the Prince a large income without paying his debts, was putting him in a worse situation than he now was; because with a larger income, there might be greater inducement to give credit, and more to be made by execution in failure of payments.

Mr. *Grey* thought the proposition for the payment of the debts should meet with a direct negative. It was the only method to prevent future applications of a similar nature. If he were to admit the propriety of discharging the debts, he should argue, that it would much better be fixed on the civil list.

After some further conversation, Mr. Sheridan's amendment was withdrawn. The main question being then put, the House divided:

Tellers.

Yeas	Mr. Anstruther - - Mr. John Smyth - -	148
Noes	Mr. Jekyll - - - - Mr. Whitbread - - -	93

Mr. Sheridan then moved, "That a proposition having been made to this House, in consequence of a Message from his Majesty, for a further increase of income to his royal highness the Prince of Wales, this House think it their duty to consider how far that object may be obtained, without any additional burthen to the public, by the reduction of useless places and unnecessary expenses." Mr. Pitt thereupon moved, "That the House do now adjourn." Upon which the House divided:

Tellers.

Yeas	Mr. Jenkinson - - - - Mr. Canning - - - -	153
Noes	Mr. Sheridan - - - - Colonel Maitland - - -	29

June 8. The House having resolved itself into a committee on the Prince of Wales's debts, Mr. Pitt moved, "That provision be made for the appropriation of an annual sum of 65,000*l.* out of the consolidated fund, towards the liquidation of such part of the debts now owing by the Prince of Wales, as may remain unpaid, in the event of the decease of his Royal Highness." The resolution being agreed to, Mr. Pitt next moved, "That it be an instruction to the committee of the whole House, to whom the bill for enabling his majesty to settle an annuity on his Royal Highness the Prince of Wales, during the life of his majesty, and of the life of his said Royal Highness; for making provision for the payment of any debts that may be due from his Royal Highness, out of his revenues: for preventing the contracting of the like debts in future; and for regulating the mode of expenditure of the said revenues, is committed, That they have power to make provision in the said bill pursuant to the said resolution."

General *Smith* said, that he was convinced the Prince of Wales was as fairly entitled to the profits of the duchy of Cornwall, as any other minor would be to the income of his estate in similar circumstances. He was of opinion, that a clause ought to be inserted in the bill, to enable the commissioners to inquire also into the claims of his Royal Highness, and that the sums found owing to him, should be placed opposite to his debts. He believed, that the revenues of Cornwall, during the minority of the Prince would nearly cover the whole of the Prince's debts, or at least be found to come within 100,000*l.* of their amount.

Mr. *Lambton* was of opinion that there ought to be a special clause inserted in the act, appointing commissioners to examine the Prince's accounts, and state the sums that he would be entitled to, during his minority, out of the revenues of the duchy of Cornwall.

Sir *M. W. Ridley* said, that the revenue of the duchy during the minority must have been applied either to the privy purse, or to the other purposes of the civil list. In either case, it was a debt to the

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Prince from his majesty, or from the public. As a debt due to him it belonged undoubtedly to his creditors. He thought it was a claim which well deserved to be inquired into, as the result might tend to rescue the Prince from the odium artfully attempted to be thrown upon him on account of the extent of his debts.

Mr. *Pitt* did not conceive the duchy connected in any manner with the question before the House. That House had already discharged the incumbrances of the civil list three times. In 1787, they had discharged the Prince's debts, besides voting a sum towards finishing Carlton House. If parliament, on those occasions, had conceived that the Prince was entitled to the revenues of the duchy during his minority, was it to be supposed that they would not have resorted to that, as a fund for the discharge of the incumbrances he had just enumerated?

Mr. *Sumner* suggested the possibility of the creditors of the dukes of York and Clarence making a claim upon the Prince for the sum for which his Royal Highness was joint security.

Mr. *Sheridan* said, that this was a material circumstance. The debts of the dukes of York and Clarence, it had been said, were in a train of liquidation, and therefore were not included in the account of the Prince's debts. But though they were not included in the account, the House did not mean to extinguish the security which the creditors of their Royal Highnesses possessed; and, besides, it ought to be remembered, that the death of either of the dukes was not an improbable event. In that case, the creditors would certainly come on the Prince.

Mr. *Pitt* said, that the debts of the royal dukes were now put into such a state of liquidation, that their creditors would not be likely to come upon the heir apparent.

The Committee divided: Yeas, 93; Noes, 68. The Resolutions of the Committee being reported, it was ordered, on the motion of Mr. Anstruther, "That it be an instruction to the said committee, that they have power to make provision in the said bill, for appropriating a certain yearly sum out of the revenues arising from the duchy of Cornwall, towards the liquidation of the debts of his said Royal Highness, during such term as his majesty, or as his Royal Highness, may continue to be interested in the revenues of the said duchy." Mr. Fox then moved, "That it be an instruction to the said committee, that they have power to make provision in the said bill, for appropriating a certain part of his majesty's civil list revenues towards the liquidation of the debts of his Royal Highness the Prince of Wales, in case of the event of the death of his Royal Highness before the demise of the crown." On this the House divided:

Tellers.

Yeas	Mr. Whitbread - - -	58.
	Mr. Lambton - - -	
Noes	Mr. Edw. J. Eliot - -	96
	Mr. John Smyth - -	

The order of the day was then read for going into a Committee on the Prince of Wales's Annuity Bill. The question being put, That the Speaker do now leave the Chair,

Mr. *Whitbread* opposed the motion. He said, that by the provisions which this bill contained, ministers proposed to degrade and disgrace the Prince under the pretence of providing for his dignity and splendor.

Mr. *Lambton* did not think his Royal Highness disgraced or degraded. He had reason to know that the Prince entirely assented to the principle of the bill, and approved generally of the restrictions; as without them, he might be again exposed to the same inconveniences.

Mr. *Fox* said, that if he voted for the Speaker's leaving the chair, he ought to state the ground upon which he did so; for he confessed there were doubts and difficulties in this business. Much of this bill, he confessed, he considered as proper. He thought that making up the income of the Prince 125,000*l.* a year, was proper; he thought it becoming the dignity and the wisdom of parliament. The provision for preventing his Royal Highness from incurring any debt in future, had also his complete approbation. But what appeared to him objectionable was, that by this bill they gave to his Royal Highness that which they did not give him the management of. The whole matter, he feared, would be under the management of the minister. It was placing the Prince in a state of dependance on the king's treasury, which was, in other words, subjecting him to the power of the minister. He was dissatisfied with regard to the regulation respecting Carlton-house. The property there was added to the debts of the Prince. To whom should the furniture there be-

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long? To the Prince who had paid for it, certainly. And yet they were to be made heir looms: so that parliament might say to the Prince—"You have furnished Carlton-house more expensively than you ought to have done, but we shall have it." This was a little unfair with regard to the Prince: it was very unfair with regard to the creditors; because the furniture, if this provision was not in the bill, would be moveable assets, subject to the payment of the debts; and perhaps this would operate to the prejudice of those very creditors who had provided this furniture. Now, if he voted for the Speaker leaving the chair, it must be under an understanding that these difficulties should be removed. As to the duchy of Cornwall, he was exceedingly anxious that it should be wholly sold. He confessed there would be some difficulty in ascertaining precisely the value of the interest which his Royal Highness had in that duchy, because it was not a life estate that he had in it, it was only while he continued Prince of Wales; but in any event, the sale would produce more than it would produce to his Royal Highness in its present state. He thought it would produce 600,000*l.* The sum to be appropriated out of that for his debts, instead of 13,000*l.* a year, would amount to 30,000*l.* If this was called bargaining with the Prince, and therefore unworthy of the House of Commons, he should answer, that it was a perfectly constitutional proceeding, and that this country never had better security for its liberty than when it made these kind of bargains with its Princes. He should wish that something of this kind should be moved, and he had rather that any other person should move it than himself. If no other person did move it, perhaps he might; this, however, he did not pledge himself to do.

Mr. *Sheridan* thought himself bound to negative the motion, because no answer had been given to the question, whether the Prince's debts could be paid by any other means than that of raising money on the people of this country? He was convinced they might do themselves credit, do the king credit, and the Prince of Wales credit, if they would consent to sell the duchy of Cornwall, and also the Crown lands. An hon. friend of his had said, that the Prince agreed to these restrictions. But whatever the Prince might choose to do, that House should take care that he did not agree to any thing injurious to himself. His honour was also the honour of the nation. He hoped his Royal Highness was incapable of agreeing to such shameful restrictions, and consenting to such indignities as were offered to him in this bill. If he did agree to them, he could only say it reminded him of a passage in the work of a great poet—"Is such a man fit to reign?" nor should he be sorry, in such a case, to add the rest of the passage. The bill was altogether an heterogeneous mass, a variegated tissue, a hodge-podge of absurdity.

The question being put, that the speaker do now leave the chair, the House divided:

Tellers.

Yeas	Mr. Jenkinson - - - -	157
	Mr. Adams - - - - -	
Noes	Mr. Sheridan - - - - -	36
	Mr. Whitbread - - - -	

The House having resolved itself into the committee, Mr. Anstruther moved, "That the blank in the clause for granting his Royal Highness an additional allowance, be filled up with the words, 65,000*l.*" Mr. Wilberforce moved, "That instead of 65,000*l.* the sum of 40,000*l.* be inserted."

The *Speaker* said, he had always been for the larger sum, because he thought it barely adequate to the situation in which the Prince was placed, and not equal to what his grandfather had enjoyed, when the difference of expense between the two periods was taken into consideration. He lamented the circumstance of his Royal Highness's incumbrances, but he equally differed with those who wished to swell the burthen which the public was to sustain, and those who wished not to deduct any part of the income for the payment of debts. After the gracious communication which the House had recently received from his Royal Highness, he thought they had every reason to place a reliance on an avowal that must give them so much satisfaction—a communication equally brilliant and constitutional upon the part of his Royal Highness, and particularly to be admired when the principle upon which it came to them was considered, namely, the principle that the public opinion in this country must always operate on the sentiments of persons even the most exalted in birth and situation, and would always have its due weight.

The committee divided: For the larger sum, 141; For the smaller 38.

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June 15. The bill being reported, general Smith moved a clause, "directing the commissioners to institute suits for trying the right of his Roval Highness to the rents, issues, and profits of the duchy of Cornwall, which accrued due between the time of his birth and his attaining the age of twenty-one years, and for obtaining an account of such rents, issues, and profits, and for compelling the payment of the balance of such account."

The *Attorney General* began with admitting, that he had not been quite accurate in the statement which he had formerly given on the subject. The duchy of Cornwall was a tenure neither held by knights service, nor by soccage; it was of a nature so peculiar, as to be difficult for him to describe. The exact nature and extent of this species of estate was not legally defined. He therefore could but speak on general principles, and those principles he must derive from the usages which were made under former princes in the disposition of this estate. From hence, seeing that it was neither a tenure in knights service, nor a tenure in soccage, and this he proved from the reigns of Edward 3rd Henry 7th, and Charles 1st, when this right was called into debate, he would define it as nothing else than as a fund appropriated by the original grant of parliament for the maintenance of the Prince of Wales—who had very properly been represented as "major à die nativitatis. In support of this opinion, he went through the different cases which had been brought forward. The question of the right of the Prince he confessed to be exceedingly difficult. If this was a fund for the support of the Prince of Wales from the period of his birth, the king, as his natural guardian, had the disposal of that fund during his minority. The difficulty was increased by the long period which had intervened since that minority, which would render any claim on the part of the Prince extremely doubtful in the decision, if it was at all proper to be brought forward.

Mr. *Pitt* said, that if there existed any claim, it was a claim upon the public. The revenues of the duchy of Cornwall had been applied in aid of the civil-list; as such, they had been recognized by parliament, by whom the debts of that civil-list had been more than once paid. But it was next to be considered, how far, in point of substantial justice, any thing was due from the public to the Prince of Wales. If this was a fund for the support of the state and dignity of the Prince of Wales, it was certainly intended that the appropriation of it should prevent any expense from falling either upon the civil list, or the public. The public would then have a right to set off against the amount of the income, during the minority, any expense which might have been incurred on account of his Royal Highness. This amounted to upwards of 300,000*l*. He conceived the present discussion could have no other effect than that of stirring a difficult and abstruse question, without any chance of practical benefit either to the Prince or the public. Neither the Prince himself, his creditors, nor parliament, had proceeded upon a supposition of any such sum being due to him.

Mr. *Fox* said, he saw the business in a very different light; and even if the assumptions of the right hon. gentleman were right, he thought a very opposite conclusion was to be drawn from them. What the attorney-general had said, had only confirmed him in his former opinion upon the subject. He had stated, that this was a fund granted for the support of the state and dignity of the Prince of Wales; but this was not the only fund conceived to be necessary, since afterwards the principality of Wales and the earldom of Chester, were granted for the same purpose. He conceived what had been urged, that the expense would fall upon the public, to be a most unseemly argument. Natural feeling suggested that the king, like every other father, ought to be chargeable with the education of his own son; and because parliament had paid a debt of the civil-list, to the amount of 600,000*l*. it was not to be inferred, though it might probably have been the case, that they would, with the same facility, have paid a debt of 800,000*l*. He conceived it to be of the utmost importance to ascertain what was due to the Prince, at a moment when they were complaining of his debts, and talking of the liberality which they had shown in their conduct towards him.

The *Solicitor General* said, that the House had formerly acted upon the consideration of his majesty's applying the revenues of the duchy of Cornwall to the civil list; nor could he think the Prince had any interest in the present motion. The Prince's claim, if he had any, ought to be left to a court of law—a remedy to

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which it would not be for the Prince's honour to resort.

Mr. *Sheridan* said, that from the mode of proceeding adopted by the House, the Prince's character was implicated in the question, inasmuch as it would decide whether or not he could pay his debts, and assume the splendour befitting his station in any reasonable time. His income he received originally burthened with pensions to the amount of 8,000*l.* a year, and deducting rent and taxes, the whole sum left him by the bill, would not exceed 48,000*l.*, a year. To this sum he was to be restricted for ten years, obliged to dismiss gentlemen from his service who, perhaps, had formed their dependence upon him, and unable to appropriate any thing to benevolence or charity, which, to a mind like his, must be a great mortification. There was no man more inclined to those generous virtues which adorn humanity. To all those, therefore, who respected the feelings and happiness of his Royal Highness, it must be of importance to try, whether just and honourable means might not be found to prevent such depression of his spirit, such retrenchments from his income. Gentlemen no longer maintained the illegality of his claim, they admitted it to be a question of considerable doubt; why should not this doubt be cleared? We do not officiously intrude this business on the Prince; he has applied to us; we have undertaken the management of his affairs, subjected him to restrictions and yet we cannot shut our eyes to the fact that he may be entitled to a large property. The House were making themselves trustees for his whole property, and in that character they were bound in honour to inquire what money was due to him, as well as what debts he owed.

Mr. *William Grant* showed that the duchy of Cornwall materially differed from soccage and a tenure in chivalry, and was a tenure *sui generis*. By the statute of Edward 3rd, it was granted for "the sustentation of the princely estate," and hence it was evident that the royal heir was peculiarly distinguished, and during his minority was considered as the pupil of the nation. In knights service the inheritor possessed the estate immediately on the death of the tenant, and thenceforward the award was made; but the death of the tenant must be first supposed, before there could be any claim. Now, in respect to the inheritance of the duchy, there was no death, nor supposition of a death required, for it was *bonâ fide*, the property of the king, until a son be born, and then he preserves it at discretion, apportioning as much of it as may be needful for the education of the prince. Here, too, the obligation of the father differs from all common obligations of a similar nature, which appears to be the direct tendency of the grant for making the prince the pupil of the nation; for although the king would certainly possess as much paternal care for the education of one child as another, and although in chivalry, where a son inherits an estate in his own right, the father is obliged to maintain and educate him for a certain term of years, yet the duchy of Cornwall seems to be given, especially for this distinction, in the eldest son of the king. Hence he conceived that the king might appropriate whatever sums he pleased for his own use, until the livery was given. There was no trace of any account rendered on this subject; and he was of opinion, that to unravel the whole of this proceeding would neither contribute to the character of the Prince, nor to that of parliament.

The question being put, that the said clause be brought up, the House divided:

Tellers.

Yeas	General Smith Mr. Lambton	40
Noes	Mr. Grant Mr. Pole Carew	97

June 17. On the order of the day for the third reading of the bill,

Mr. *Hussey* said, that he objected to the bill altogether, because it went to lay an additional burthen of 65,000*l.*, on the people. He had formerly suggested a plan for removing this burthen. His proposition was the sale of the forest lands, or landed revenue of the crown, when he was told by the attorney-general, that it was tantamount to a burthen on the consolidated fund. This he denied, and desired that part of the Journals to be read which contained the 12th report of the commissioners of accounts, on the 25th of May 1792 stating, what small sums were paid into the exchequer in consequence of the frequent gifts of Crown lands. After this, he had no doubt but as the 65,000*l.*, when taken from the consolidated fund was a burthen, so if it were to be raised by the sale of Crown lands, it would be a benefit, inasmuch as it would decrease the patronage of the crown, and improve many thousand acres of land.

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Mr. *Rose* considered it as the same thing, since the money arising from the revenues of the Crown lands was applied to those contingencies for the public service, which must otherwise be defrayed from the consolidated fund.

Mr. *Fox* said, that the reason why no assistance could be derived from the Crown lands on the present occasion was one very easy to guess, though very difficult to be stated, by those who were most immediately interested. It was a fund, which had been stated as a resource by a very respectable committee of that House; but any proposition to resort to it was sure to meet with resistance, because it was found to afford a source of influence.

The *Solicitor General* said, there could not be a greater extravagance than to sell the Crown lands at this period, when they would not fetch a fourth part of their value. With respect to the application of the profits of them to the present bill, which was a quarterly annuity, he was at a loss to conceive how it could be done.

General *Smith* wished to hold out to the public, the claim which the Prince had to the revenue of the duchy of Cornwall. He strongly insisted on the inference to be drawn from the opinion given by the first law officer of the crown, that the right of his Royal Highness to the amount of that revenue was doubtful.

Mr. *Sheridan* said, he must oppose the bill, because it went to burthen the public with taxes to the amount of 65,000*l*. As to the arrears of the duchy, they ought to be accounted for to the Prince. It was an unfortunate circumstance for his Royal Highness that his advisers thought so lightly of his claim. But, if he had his former advisers, who were honourable and learned gentlemen, he had no doubt but that the claim would be made; for they were the friends of the Prince, and not less his friends for being also the friends of the public. He proceeded to show that this measure was not an establishment for the Prince suitable to his rank and dignity; he therefore, for one, should not consider this subject as closed, but open for discussion at any future time. He thought that a sum of money ought to be raised immediately for the discharge of the debts; for by the present plan the Prince's name would appear indorsed on all his bills for eight or nine years together. This was improper with regard to the creditors also, whom some gentlemen put together as a gang of robbers in a lump, but many of them, he believed to have fair and just claims upon his Royal Highness: those creditors were ill-treated by this measure; they would lose four or five per cent. for discount of the debentures, after their claims should be allowed; so that, after all, the tradesmen would not have the whole of their demands settled. Thinking, therefore, that the public and the Prince were ill treated, he found himself bound to oppose the bill altogether.

The question being put, That the said bill be now read the third time, the House divided:

Tellers.

Yeas	Mr. Anstruther Mr. Edw. Jas. Eliot	- - - -	54
Noes	Mr. Sheridan General Tarleton	- - - - -	10

So it was resolved in the affirmative.

Debate in the Lords on the Prince of Wales's Annuity Bill.] June 24. Lord Grenville having moved the order of the day for the second reading of this bill,

Lord *Cholmondeley* stated, that he was authorized by his Royal Highness to say, "That he would acquiesce in whatever measures the wisdom of parliament might think fit to recommend."

The Duke of *Clarence* said, that he rose to deliver his sentiments, before an opportunity had been afforded to noble lords to mingle political observations with the discussion. Whatever were his sentiments with respect to the bill, he should certainly vote that it might pass. Though he objected to its principle there were parts of it which met with his entire approbation. He should chiefly confine his observations to that part of it which related to the provision to be made for the payment of the creditors. It naturally and properly became an object to grant a suitable establishment to the Prince on account of his marriage. In granting this establishment, it might have been supposed that the Prince had now come to an age, at which he was fully capable of acting for himself, and would of his own accord have been disposed to take measures to free himself from any incumbrances which he might have contracted. But instead of allowing him the merit of taking measures of his own accord to pay his creditors, the authors of the bill had taken the popularity of such a step out of his hands. That other provision, which made the different officers of his Royal Highness re-

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sponsible for the expense incurred under their several departments, he highly approved. He conceived it to be a measure extremely necessary for the dignity and comfort of every Prince of Wales. A Prince of Wales, by a particular law, became of age at 18, while every other subject was not of age till 21. A young man at that age, when the passions were at their height, and in his situation, might be led into expenses beyond his income, and which, perhaps, might border on extravagance. Such a circumstance he could not consider as a serious reflection on a young man of eighteen. Those who had been concerned in bringing forward this business, had so managed, as to take away all popularity from the Prince in order to center it in themselves. He should not, on the present occasion, betray any thing that had passed in private conversation. But it was a notorious fact, that when the marriage of his Royal Highness was agreed upon, there was a stipulation that he should, in the event of that union, be exonerated from his debts. What could his Royal Highness understand by this, but that measures would be taken for the immediate exoneration of those debts; not that they should be left hanging over for the space of nine years. The authors of the bill had stated, that the credit and stability of the throne depended upon the support of the independence and dignity of every branch of the royal family, particularly of the Prince of Wales. Was the method they had taken the best calculated to support that dignity and that independence? His Royal Highness had, indeed, expressed his acquiescence in whatever measures the wisdom of parliament might think fit to recommend. But what was the situation in which he was placed? The bill was, in one point of view, a public bill, as was every bill which related to any part of the royal family; but it was more strictly a private bill, as nothing could be done without the consent of the Prince. Advantage, then, had been taken of the difficulties in which he was involved in order to procure from him this consent. He was forced to express his acquiescence, in order that something might be done. He was in the situation of a man, who, if he could not get a haunch of venison, would rather take any other haunch than go without. He knew persons in another place, who possessed great powers of eloquence, and abundant choice of animated expressions. Those persons had exerted their powers in support of the measure of granting a subsidy of 200,000*l.* a year, to the king of Sardinia, a sum of 1,200,000*l.* to the king of Prussia, and lately the loan of 4,600,000*l.*, to the Emperor. But though on these occasions, they displayed all their stores of animated language, when they brought forward the situation of his royal brother, they prefaced what they had to propose with the expressions—"an unpleasant task—an arduous undertaking—the distresses of the people in consequence of the war—the regret of laying additional burthens on the public;" yet if they had adopted, with respect to his royal brother, a language somewhat more favourable, they would not have had a vote less to the present bill. The obloquy that had been thrown upon the Prince had not been confined to the speeches in the other House but people out of that House had been employed to write and publish the most indecent and scurrilous pamphlets, painting the Prince's conduct in the basest colours, and endeavouring to lessen him in every shape in the eyes of the public. He remarked on the situation of the Princess of Wales, a lovely and amiable woman torn from her family; for though her mother was the king's sister, she might still be said to be torn from her family, by being removed from all her early connexions; what must be her feelings from such circumstances attendant on her reception in a country where she had a right to expect every thing befitting her high rank, and the exhalted station to which she was called? As a friend to the Prince, he, however, would not oppose the passing of the bill, for he was convinced that the sooner it was passed, the sooner would its absurdity and malignity appear. If the arrears of the duchy of Cornwall were due to the Prince during his minority, that question would quickly be brought forward, and he trusted that the learned lord before whom it would come to be argued in his judicial capacity, and whose justice could not be impeached, would throw no impediment in the way of its speedy decision. If the Princess had children, an event which might soon be expected to take place, the very movers of the bill would be convinced of its absurdity and inhumanity, and would themselves be obliged to come forward with amendments on its present provisions.

The bill was then read a second time.

Lord *Grenville* said, it was evident that no grant made to the Prince, could be

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rendered effectual for his ease and comfort, unless means were at the same time taken to relieve him from his embarrassments. It became necessary, therefore, to make provisions with a view to that object. The interference of parliament could alone effect what was desirable with respect to the Prince himself, or give proper security to his creditors. It was satisfactory to know that his Royal Highness was disposed to acquiesce in whatever measures parliament might think fit to recommend. He had a clear and decided opinion, that the grant to be made by the present bill to his Royal Highness was not more than what constituted a proper establishment for the maintenance of his state and dignity. Out of that grant, however, a very large sum was to be appropriated to the discharge of his debts. The question, then, was, whether, under the present circumstances, parliament ought to have taken upon itself the payment of the debts, and to have assigned the whole of the establishment unincumbered to his Royal Highness? He was persuaded that the illustrious personage himself would not, under all the circumstances of the times, have desired any proposition to have been made to pay his debts, which should have had the effect to leave him in possession of his full and unincumbered income. If it was necessary to make provision for the support of the state and dignity of the Prince of Wales, and the grant made by the bill was not more than ought to be assigned for that purpose, the next point was, what sum ought to be appropriated out of the grant for the payment of debts? On the one hand was the consideration of that state, which it was necessary to support, and which must unavoidably be curtailed by any large appropriation; and on the other, the consideration of the much longer period during which the Prince would be left under his embarrassments, if only a small sum should be set apart towards the liquidation of debt. He must own that the proportion set apart for this purpose was a much larger one than he should have been disposed, in the first instance, to submit to the House. But coming before their lordships in the shape in which it now did, recommended by the weight and authority of the House of Commons, and apparently sanctioned by the general voice of the country, he thought it was that sum which they not only ought to permit to stand in the bill, but which it was even desirable for them to adopt. He concluded with moving, that the bill be committed.

The Duke of *Bedford* said, he felt considerable pain in being obliged to blame the rash extravagance of the Prince: he had less difficulty in adverting to the conduct of his majesty, as he knew that ministers were responsible for the part which he had been advised to take on the present occasion. He certainly would have opposed the bill, had not the Message been that day brought down to the House, stating the acquiescence of his Royal Highness. The bill itself he considered as extremely objectionable, as it referred to two points, which were in themselves perfectly distinct. He certainly approved of the conduct of ministers in having stated in the message to parliament that his Royal Highness was much encumbered with debts. But the conduct which he thought that they ought to have adopted was, either to have voted the necessary sum for his establishment, and left it to himself to take the proper measures for satisfying his creditors, or to have waited till such time as he had chosen to come forward to request the assistance of parliament for the purpose of their liquidation. Considering the rise of all articles, he did not think an addition of 25,000*l.* above what had been granted to former princes of Wales too much on the present occasion; but he was surprised that ministers, who had formerly thought so much smaller a sum adequate for his establishment, should now think that the alteration in his circumstances required so large an addition as 75,000*l.* However disposed he might be to censure the extravagance of the Prince, he was not one of those who thought that it ought to be magnified into a crime. There were several considerations which tended to extenuate the conduct of the Prince. They ought to recollect his age, the situation in which he was placed, and the insufficiency of his income to support the splendor necessary for his rank. He thought that it would have been much better to have advanced a sum at once sufficient to have liquidated the debts. His royal father might have been expected to have contributed for that purpose. It was rather singular, that when they had granted a subsidy of 1,200,000*l.* to the king of Prussia, and a much larger sum by way of loan to the Emperor, they should now be disputing about advancing a few hundred thousand pounds for the Prince. When ministers railed at the extravagance

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of the Prince, they forgot the examples of extravagance which had been afforded him in former times.

The Earl of *Lauderdale* thought, that the sum to be granted to the Prince of Wales was by no means more than was necessary. So far from it, that it would appear unequal to what parliament had allowed before on many occasions. In his opinion, ministers had contrived, very unworthily, to load his Royal Highness with an unpopularity, which they could not have brought upon him by any means but those which they had pursued in the progress of this transaction. Ministers had acted warily in this business; they had taken to themselves the credit of rescuing his Royal Highness from his embarrassments, and of paying his creditors; they were unwilling he should have any of the management of it himself, because they knew that in that case he would have the popularity of the measure, because the public would then perceive that the idea originated from him.—But while ministers had thus artfully and speciously acted, he, for one, must say, that, under pretence of providing for his dignity and ease, they had done every thing in their power to lower him in the opinion of the people of England. Had they allowed him *this* income, and given to him the management of it, they would have afforded a much more solid foundation for the support of his dignity. The plan in this bill for the liquidation of the debts, appeared to him exceedingly defective. He did not now look whether the Prince had or had not been extravagant, the question was, What he came to the public for? What had the Prince done to be so much censured? Was there any thing so very extraordinary in his present situation? What Prince did we know, who had not, in his situation, *come* for a greater sum from the public? Persons at his time of life, and in his station, rather regulated their conduct with a reference to what they expected, than what they actually possessed. When ministers pledged themselves in 1787, that no more applications for payments of debts should be made, they ought to have taken care that some provision like the present should have been made. They well knew the manner in which his Royal Highness was living, yet they never said a syllable against it. They had an opportunity some years ago, of entering into a provision of this kind, when it was in the mouth of every one, that a loan was negociating at Antwerp; but ministers took no notice of it. Another circumstance which tended greatly to lessen the blame of his Royal Highness was, the contradictory advice, which had been from time to time offered him. By some he was advised to pursue a scheme of retrenchment and economy; but he had no sooner made up his mind to this, than other more subtle and alluring advisers persuaded him that it was necessary to the dignity of the heir-apparent, that he should live in a state of splendor: a kind of catechism was given him to get by heart, and the chief burden of the creed was, that he ought, at least, to live upon a footing with M. Egalité. No wonder that a youthful and sprightly mind should be led astray by such fascinating counsels: he got his catechism by heart; he practised the doctrines inculcated; and now the very men who taught him it, were the loudest in condemning the effects it had produced. He was sure that if the people of this country saw the matter in its real light, ministers would not be successful in their endeavours to bring odium upon his Royal Highness. He disapproved of the restrictions, as far as they were personal, against his Royal Highness; but observed that he should approve of them, if they were merely general to any prince of Wales. He blamed ministers for not making these provisions, when the subject of the Prince's debts were before parliament on a former occasion, for he did not see why one message to parliament should be followed up with more restrictions than another message. Ministers might ask, "How could they do it?" There were a thousand ways by which they could. They might have done it then by the very means they adopted now, if they had been willing. It would require more ingenuity for them to convince the public that they should not then have done it, than that they would not. They had cherished the hopes of his Royal Highness, and now they attempted to degrade him; but he was not at all surprised at that, because it was perfectly correspondent with all their conduct towards his Royal Highness, and towards the public. The message from his Royal Highness delivered this day, prevented him from opposing the principle of the bill.

The Duke of *Clarence* said, that when the loan abroad was proposed, he could state positively, that the secretary of state prevented it.

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Lord *Grenville* asserted without fear of contradiction, that no censure could possibly attach to ministers for their conduct, in any part of this proceeding. What was the censure? and what the argument to support it? First, that ministers were the cause of these debts being contracted. How so? At the time when the subject of the debts of his Royal Highness was before parliament on a former occasion, he had not the honour of holding any official situation. He gave his opinion only as a member of parliament, and that opinion he was ready to maintain. The question of the precise amount to be granted, was one on which there must be a diversity of opinion. But how could it possibly be supposed, that ministers had endeavoured to attach any unpopularity on the Prince, by bringing the matter forward? But it was said by the noble earl, that ministers endeavoured to degrade the Prince by the measure which they now brought forward. Now, he would wish to ask, whether that noble earl would not have said, that ministers, if they refused to bring this subject forward, had attempted to disgrace his Royal Highness? It was said, that ministers were to blame for not bringing this business forward sooner, and for not having taken measures to prevent the contracting debts in future. What! before any application on the part of his Royal Highness to discharge his incumbrances? What right had they to do so? There would have been great indelicacy in such officious conduct.

The Marquis of *Buckingham* said, he must enter his protest against charging the sums specified in the bill on the consolidated fund, instead of the civil list. On the famous debate respecting the increased establishment of Frederick Prince of Wales, the question never once was agitated, whether any sum should be taken out of the consolidated fund, but whether his majesty should give a larger allowance out of the civil list. Only of late years had this system been departed from; and even if it had not been so, he should probably have objected, as he should have wished ever to resist such accessions to the civil list. As to the recognition of certain debts which were involved in this bill, he had hoped when they were mentioned, that something would have been said upon them. Parliament had never recognized the debts incurred by the crown or its dependencies until the present reign; and it was fit that parliament should be cautious in such recognitions. Some years ago, when the same question was agitated, he had a great inclination to come down to the House on purpose to oppose it, and to state his reasons for so doing; but some private business interfered, and he did not attend. His majesty then stated the grounds of his application, together with strong assurances of regularity in future. Those assurances was still in every body's mouth, and nothing stronger could be urged against the present question. Parliament at that time wished to avoid looking too minutely into the accounts, because it trusted a similar application would never again be made. The Commons in particular replied in their answer to the royal message, that they acted specifically upon that reliance. He was sorry, therefore, that a similar application had so soon occurred; and he was sorry also that the former assurances were given, as they tended to lessen that respect which he wished to see attached to the royal family; especially, too, as the royal family for fourscore years had constantly conformed to the parliamentary arrangements. He imagined, that the arrangements which were made by parliament in 1787, might have been adhered to, and the Prince's credit been preserved; for, in regard to the regulations then made, there was nothing proposed but what the Prince was competent for. Indeed he was desirous that parliament should not recognize these debts, that if any of them should remain unpaid on the demise of the Prince, they might serve as an example, *in terrorem*, to future dishonest creditors. It would therefore be a wholesome lesson, that parliament should not be responsible. Another objection he had, was, that the provisions did not answer the purposes for which they were professed to be made. They professed to liberate the prince from the clamours of his creditors, when the bill was not compulsory and mandatory upon all. It operated only upon those who should choose to submit, and an honest tradesman would be a madman to claim the benefit of this act, when he might recover his demands immediately by law. True it was, that some clause might afterwards be added to accommodate this matter; but as it now stood, the bill was extremely defective. In respect to the debts, he thought the Prince might have adopted some measure for their liquidation, without submitting himself to the control of parliament.

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The Earl of *Guilford* wished the settling of the debts had been left out of the provision made for the establishment. He was aware, that without parliamentary security it might be difficult to adopt an effectual plan of arrangement; but he could not approve of conjoining the provisions. It was impossible to blame the Prince for exceeding the income allowed in 1780, when it was the general opinion, that an establishment suitable to his rank, could not be supported with less than 100,000*l.*, per annum.

The Earl of *Carnarvon* said, it was impossible to separate the provision for the payment of the debts from the allowance for the income. It would be to the disgrace of the country, if a legal process could be instituted against the Prince after the passing of this bill; but a clause would remedy that evil.

The Earl of *Moira* said, that the provisions of the bill were inadequate to the purposes which it held out, and maintained that, throughout the whole of this transaction, the Prince had been unfairly dealt with. If a different conduct had been pursued, he was sure the public would have been as ready to come forward with assistance, as the Prince was uneasy that circumstances made it necessary for him to apply to them. Nothing could more strongly point this out than the communication which he had made to parliament. He had always been one of those who thought the Prince's income inadequate. He differed entirely from the noble earl, who stated that his Royal Highness had regulated his conduct and expenses by catechism set down to him, by which he was led to believe, that whenever his debts amounted to a sum sufficiently large, he ought then, and not before, to make his situation known to parliament. He was sure that from no such catechism, and by no such advice had his Royal Highness's conduct been dictated. He thought language by far too harsh had been applied to the Prince's conduct, when his fault really amounted to no more than this, that he was ignorant of the old proverb, "that drop added to drop may become an ocean," and thus had thoughtlessly involved himself in embarrassments much greater than he had any idea of. According to the present bill, a smaller income was allowed to his Royal Highness than would, by experience, be adequate to the purposes for which it was intended, or on which he could subsist or maintain his dignity. He would ask the noble lords in the confidence of the Prince, whether the bill in question was not totally different from that first proposed to his Royal Highness; as well as contrary to his opinion? He, from being honoured with his confidence, could state what it was. His Royal Highness could not help feeling that the bill, as it now stood, involved him in an unpleasant dilemma. The measure was contradictory in itself. If one part of the bill was implicitly obeyed, the other must necessarily be neglected. The object of the measure was, to give an increased income to his Royal Highness. In giving this income, it was thought to be such as was necessary to support the rank of the heir apparent. If such, therefore, was the object, the other provisions of that act entirely destroyed such intention. For immediately after the additional income was voted, it was, by the subsequent parts of the bill, taken away; and he was dismissed into retirement, with the rank of a private gentleman. If this latter part of the arrangement must be observed, the former must be defeated. His Royal Highness felt this contradiction, and thought, from the imperfection of the measure, that it was likely the wisdom of parliament must in a future day again be called upon. But whatever was the individual opinion of his Royal Highness, he submitted with the utmost pleasure to the wisdom of parliament. He knew not who advised the application to parliament on the present occasion; if he had had the honour of being consulted, he should have endeavoured to dissuade the Prince from making it. In regard to the bill, he knew that the Prince had proposed to accept 100,000*l.* a-year, exclusive of the revenues of the duchy of Cornwall, and that 50,000*l.* a year should be set apart for the payment of his debts. With respect to the arrears of the duchy of Cornwall, his Royal Highness looked to them with no other view than as a means of paying his debts. By the manner in which the bill had been brought forward, it appeared to him that the minister had not given sufficient credit to the public for their generous and liberal sentiments towards the Prince. Had he trusted more to them, the matter would have been differently concluded, and more to the interest of all parties. By the speech which introduced it, much stress was laid on the embarrassments which attended the mea-

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sure: and a colour seemed to be given, that the items of the debts were such as could not meet investigation. Thus were they magnified, and a suspicion cast upon them, which very naturally excited much jealousy among the public. It was also impossible not to notice the indefatigable calumny which had been used in every stage of this business, to depreciate the Prince in the public opinion. He thought it a disgrace to the country. His lordship here commented upon the plan of issuing debentures, and upon the appointment of the commissioners. He thought the arrangement went to take away from his Royal Highness every degree of management in his own affairs. The commissioners were none of them connected with his Highness; and he thought, that at least, some one of his law officers, or other person, who possessed his confidence, should be included in the list. The present arrangement gave a sort of influence amongst the creditors which some time or other might appear at a Westminster election, as the commissioners would have it in their power to pay off the debentures of one set of creditors in preference to another, as it suited their views. He did not mean now, or at any future stage of the bill, to move any alteration in it, because he trusted its absurdity was such that parliament and the public would see the necessity of setting it aside.

The Bill was read a second time.

June 25. The House went into a committee on the Bill.

The Earl of *Lauderdale* said, there were some things that had fallen from a noble earl in the course of the preceding day's debate, that did not at all strike him as proper ground for argument in a chamber of parliament. He considered what had been said about certain negociations stated to have been held with ministers upon the subject of what parliament would do respecting the Prince's debts, to be language unfit and rather indecent to be stated to their lordships, as a reason to influence their deliberations and decisions on a bill of so much importance as that before the committee. It appeared from what had been said the preceding day, that a plan had been projected for an application to parliament for a much larger sum than the bill proposed. Had any such attempt been made, he should have held it his duty most strenuously to have opposed it, because he never could admit the amount of the debts of an individual as a fit ground for parliament to increase its liberality. In consequence of the Prince having signified his consent to the bill, and for other reasons, he should not interfere with any of the clauses of the bill.

The Earl of *Moira* said, that it was impossible for him to sit silent, after what their lordships had heard from the noble earl. He must contend that he had a right to state, by way of argument, what he had repeatedly heard elsewhere, but in such a manner as left him no reason to doubt of its authenticity. He certainly did not state it from the authority of the Prince, or any other person, but as a matter which he himself knew to be founded; and he would call upon his majesty's ministers to declare, whether his Royal Highness, when the topic of his marriage was under discussion, had not been given to understand that he was to be exonerated from his incumbrances entirely. Upon that ground alone had the matter proceeded; and was it fair, decent, or even just, to invite an amiable princess to this country to share in the Prince's splendor and dignity, when by the operation of the present measure his Royal Highness must necessarily forego all pretensions to the dignity and splendor confessedly proper for his high rank as heir apparent to the crown, and must seek the retirement of a private gentleman. He condemned the bill, as bearing the appearance of driving his Royal Highness into retirement, and not even leaving him the grace of the measure. He must persist in saying, that the bill was degrading to the Prince, and that though he had not given him any authority to say as much, his Royal Highness entertained sentiments congenial to his own on the subject.

Lord *Thurlow* was extremely happy to have heard the explanation given by the noble earl respecting a part of his speech the preceding day, because he was sure that the declaration he had made, that he delivered only his own sentiments, and did not speak on the authority of his Royal Highness must afford every one of their lordships the highest satisfaction. With regard to any negociations that might have taken place elsewhere, they undoubtedly were not proper subjects of discussion in that House. It was impossible to suppose that in forming any ar-

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rangement for an establishment for the Prince of Wales, a variety of communications should not have taken place between his Royal Highness and his majesty's ministers; but they could not, either with decency or with any regard to regularity, be brought forward in parliament. With respect to his Royal Highness's consent to the present bill, it had been signified in due form to the House; and it was indispensably necessary, not, as a noble earl had observed, that it was to be construed into a declaration that the Prince would submit to an act of parliament and pay due obedience to the law of the land, but because the uniform practice of parliament was, never to entertain a bill affecting the private interests of an individual, without first having it signified to them that that individual gave his consent to it. In the present case the consent of his Royal Highness was necessary, because the bill disposed of the revenues of the duchy of Cornwall, which were the undoubted personal property of the Prince. His consent was not necessary to the other part of the bill, that respecting his establishment, because parliament had an indisputable right to assist him with whatever they thought proper. With regard, therefore, to the annuities given by the bill, it would consequently have been equally improper for his Royal Highness to have offered, as for either House to have listened to, any opinion of his Royal Highness that could have been suggested to them. With regard to the question, whether his Royal Highness would derive most honour from maintaining a continuance of empty splendor, or from disdaining all pretensions to pageantry and show, till his circumstances justified such outward magnificence, he was inclined to agree, that true dignity did not consist in mere show, that the Prince would derive more solid dignity from retirement, and manifesting that his wish was to do justice to his creditors, at the expense of the usual appendages of his illustrious birth; and that he was willing to sacrifice all that was personal to his own comfort and consideration, for the sake of convincing the public that he held every thing inferior to his honour. A noble earl had asked, who would say he expected that a greater sum would ever be granted for the Prince's establishment than the present bill provided? He had no hesitation to say, that he, for one, did expect it, and that the present bill would soon be materially amended. When a new order of things took place, and the public saw the alteration, he had every reason to believe that their generosity would be roused by the change, and that they would readily come forward and relieve the Prince from the necessity of longer continuing in obscurity and retirement. The Princess, he had no doubt, would conform to the exigency of the occasion, and concur with her husband in confining their joint expenses to their income; and he declared he had great confidence in the sincere intentions of both of them with regard to that particular. When therefore that was felt and understood, what might not be expected from a generous people?

The Duke of *Clarence* said, that the learned lord had spoken his sentiments respecting the bill completely. The general expressions of regard and attachment to his brother, which he had heard, had afforded him so much satisfaction, that he should forego his intention of proposing any amendment in the bill, understanding that any alteration now made might prove fatal to the bill, which would subject his brother to great inconvenience.

The *Lord Chancellor* was surprised at having heard it said, that the bill treated the Prince with want of respect. So far from its affording ground of imputation against his Royal Highness, it was calculated to do away all idea of blame, and tended to preserve his dignity. The reafor the extraordinary circumspection that the measure was fraught with, obviously was, because the public had a deeper interest in the conduct of princes than of individuals. A private individual might run out his fortune and be ruined, and it would occasion only a cold feeling in the minds of the public; but not so with princes, for whose imprudence there was a greater excuse than could be made for other men. They were, in the first place, more likely to be tempted to expense, and less in the habits of economy. Even the virtues of a prince were against him in this respect. His taste, his love of ingenuity, his liberality, his munificence, all led to expense. In fact, he was courted to expense in every possible shape, and was, in a manner, compelled to take his option of acting with imprudence and extravagance, or appearing mean and narrow-minded. The public would not wish that an English prince should so conduct himself, as to justify

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the imputation of the latter character. They would neither desire nor expect that he should count over pounds, shillings, and pence, with the minuteness of a petty tradesman. It was evident that the bill was respectful to his Royal Highness in the highest degree; it showed that the public took an interest in his debts, and felt even their own honour to be involved with the preservation of that of the Prince of Wales. The restrictions were intended not to wound the honour of the Prince, but to shield him in future from the imprudences to which men of his exalted rank were exposed. They were restrictions, not on the Prince, nor on future princes of Wales, but on those about them, who had it in their power, by wise and regular means, to restrain the hand of extravagance, and guard against profusion.

The bill having gone through the committee, was reported. On the 26th, it was read a third time and passed.

The Speaker's Speech to the King on presenting the Money Bills.] June 27. His Majesty came in state to the House of Peers, and having sent a message by the Black Rod, to summon the attendance of the other House, the Commons, with their Speaker, came to the bar, when Mr. Speaker addressed his Majesty as follows:

"Most gracious Sovereign; Your faithful Commons humbly attend your majesty with the bills which close the supply for the public service of the year. Impressed with a due sense of the nature and importance of the contest in which your majesty is engaged, your Commons have thought it necessary to make the most ample provision for the several branches of the public service. In discharging the painful but indispensable duty of imposing additional burthens on their constituents, they have derived just consolation and satisfaction from the state of the credit, the commerce, and resources of the country; and they are encouraged and gratified by the hope that the liberality and exertions of your faithful subjects will be rewarded by the restoration of peace, on such a foundation, as will give increased security to the unexampled blessings so long experienced by these kingdoms.

"Other objects, not less interesting to the feelings of your majesty and of the nation, have also employed the deliberations of your Commons. In consequence of your majesty's most gracious message on the nuptials of their Royal Highnesses the Prince and Princess of Wales, your Commons proceeded to take into their consideration the several points to which your majesty was pleased to direct their attention, with as much dispatch as their peculiar importance would allow: and they trust that their conduct has manifested the cordial satisfaction which they derive from an event intimately connected with the happiness of your majesty, and the welfare of your people. Some of the provisions and regulations which have been adopted on this occasion, arose from circumstances, which, painful as they undoubtedly were, would be a subject of deeper regret to your Commons, if they had not produced that gracious communication of the sentiments and wishes of his Royal Highness the Prince of Wales, which could not fail to confirm the hopes and gratify the feelings of a generous and loyal people. In discharging their duty on this important occasion, your Commons have been actuated by the persuasion, that the true interests of your majesty's illustrious family are not to be separated from those of the nation; a principle which animates the loyalty of all classes of your majesty's subjects, and which binds their duty and affection to a constitution which they love and revere.

"Another bill, which it is my duty to present to your majesty, is for the purpose of providing such a jointure for her Royal Highness the Princess of Wales, as is suited to her rank, her dignity, and her virtues. In approaching your majesty with this bill, your Commons are impressed with the most earnest and anxious hopes, that if ever the provision should be rendered effectual, it may not become so, until, under the favour of Divine Providence, a long and uninterrupted continuance of happiness has been experienced from a union, not more calculated to promote the domestic comforts of your majesty, and of your illustrious family, than to give additional security to those liberties and that constitution, which were preserved by your majesty's ancestors, which have been maintained and cherished by your gracious care and protection, and which it is the fervent wish and prayer of your majesty's faithful subjects that this country may continue to enjoy, to the latest posterity, under your majesty's royal descendants."

The King's Speech at the Close of the

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Session.] The Bills having severally received the royal assent, his Majesty made the following Speech to both Houses:

"My Lords, and Gentlemen;

"The zealous and uniform regard which you have shown to the general interests of my people, and particularly the prudent, firm, and spirited support which you have continued to afford me, in the prosecution of the great contest in which we are still unavoidably engaged, demand my warmest acknowledgments.

"The encouragement which my allies must derive from the knowledge of your sentiments, and the extraordinary exertions which you have enabled me to make, in supporting and augmenting my naval and military forces, afford the means most likely to conduce to the restoration of peace to these kingdoms, and to the re-establishment of general tranquillity, on a secure, an honourable, and a lasting foundation.

"Gentlemen of the House of Commons;

"I have to return you my hearty thanks for the liberal and ample supplies which the resources of the country have enabled you to provide, beyond all former example, for the various exigencies of the public service. I have also to acknowledge, with peculiar sensibility, the recent proof which you have given me of your attachment to my person and family, in the provision which you have made for settling the establishment of the Prince and Princess of Wales, and for extricating the Prince from the incumbrances in which he was involved.

"My Lords, and Gentlemen;

"It is impossible to contemplate the internal situation of the enemy with whom we are contending, without indulging a hope, that the present circumstances of France may, in their effects, hasten the return of such a state of order and regular government as may be capable of maintaining the accustomed relations of amity and peace with other powers. The issue, however, of these extraordinary transactions, is out of the reach of human foresight. Till that desireable period arrives, when my subjects can be restored to the secure enjoyment of the blessings of peace, I shall not fail to make the most effectual use of the force which you have put into my hands. It is with the utmost satisfaction that I have recently received the advices of an important and brilliant success obtained over the enemy, by a detachment of my fleet under the able conduct of lord Bridport. I have every reason to rely on the continuance of the distinguished bravery and conduct of my fleet and armies, as well as of the zeal, spirit, and perseverance of my people, which have been uniformly manifested through the whole course of this just and necessary war."

The parliament was then prorogued to the 5th of August. It was afterwards further prorogued to the 29th of October.

SIXTH SESSION
OF THE
SEVENTEENTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech on Opening the Session.] October 29, 1795. His Majesty opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen,

"It is a great satisfaction to me to reflect, that, notwithstanding many events unfavourable to the common cause, the prospect resulting from the general situation of affairs has, in many important respects, been materially improved in the course of the present year.

"In Italy, the threatened invasion of the French has been prevented; and they have been driven back from a considerable part of the line of coast which they had occupied:—There is also reason to hope that the recent operations of the Austrian army have checked the progress which they have made on the side of Germany, and frustrated the offensive projects which they were pursuing in that quarter.

"The successes which have attended their military operations in other parts of the campaign, and the advantages which they have derived from the conclusion of separate treaties, with some of the powers who were engaged in the war, are far from compensating the evils which they experience from its continuance. The destruction of their commerce, the diminution of their maritime power, and the unparalleled embarrassment and distress of their internal situation, have produced the impression which was naturally to be expected; and a general sense appears to prevail throughout France, that the only relief from the increasing pressure of these difficulties must arise from the

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restoration of peace, and the establishment of some settled system of government.

"The distraction and anarchy which have so long prevailed in that country, have led to a crisis, of which it is as yet impossible to foresee the issue, but which must, in all human probability, produce consequences highly important to the interests of Europe. Should this crisis terminate in any order of things compatible with the tranquillity of other countries, and affording a reasonable expectation of security and permanence in any treaty which might be concluded, the appearance of a disposition to negociate for general peace, on just and suitable terms, will not fail to be met, on my part, with an earnest desire to give it the fullest and speediest effect. But I am persuaded you will agree with me, that nothing is so likely to ensure and accelerate this desirable end, as to show that we are prepared for either alternative, and are determined to prosecute the war with the utmost energy and vigour, until we have the means of concluding, in conjunction with our allies, such a peace as the justice of our cause and the situation of the enemy may entitle us to expect.

"With this view I am continuing to make the greatest exertions for maintaining and improving our naval superiority, and for carrying on active and vigorous operations in the West-Indies, in order to secure and extend the advantages which we have gained in that quarter, and which are so nearly connected with our commercial resources and maritime strength.

"I rely, with full confidence, on the continuance of your firm and zealous support, on the uniform bravery of my fleets and armies, and on the fortitude, perseverance, and public spirit of all ranks of my people.

"The acts of hostility committed by the United Provinces, under the influence and control of France have obliged me to treat them as in a state of war with this country.

"The fleet which I have employed in the North Seas has received the most cordial and active assistance from the naval force furnished by the empress of Russia, and has been enabled effectually to check the operations of the enemy in that quarter.

"I have concluded engagements of defensive alliance with the two imperial courts; and the ratifications of the Treaty of Commerce, with the United States of America, which I announced to you last year, have now been exchanged. I have directed copies of these treaties to be laid before you.

"Gentlemen of the House of Commons,

"It is matter of deep concern to me, that the exigencies of the public service will require farther additions to the heavy burthens which have been unavoidably imposed on my people. I trust that their pressure will, in some degree be alleviated by the flourishing state of our commerce and manufactures, and that our expenses though necessarily great in their amount, will, under the actual circumstances of the war, admit of considerable diminution in comparison with those of the present year.

"My Lords and Gentlemen,

"I have observed for some time past, with the greatest anxiety, the very high price of grain, and that anxiety is increased by the apprehension that the produce of the wheat harvest, in the present year may not have been such as effectually to relieve my people from the difficulties with which they have had to contend. The spirit of order and submission to the laws which, with very few exceptions, has manifested itself under this severe pressure, will, I am sure, be felt by you as an additional incentive to apply yourselves, with the utmost diligence, to the consideration of such measures as may tend to alleviate the present distress, and to prevent, as far as possible, the renewal of similar embarrassments in future. Nothing has been omitted on my part that appeared likely to contribute to this end; and you may be assured of my hearty concurrence in whatever regulations the wisdom of parliament may adopt, on a subject so peculiarly interesting to my people whose welfare will ever be the object nearest my heart.

His Majesty then retired and their lordships adjourned to five o'clock.

Attack on his Majesty.] The House being again met,

Lord *Grenville* rose and stated, that, previous to the discussion of the king's Speech, he wished to draw their lordships attention to a subject of great and immediate importance, he therefore wished that the bar should be cleared. Being informed that the question on the Speech must be first disposed of, he moved, that it be taken into consideration to-morrow. The

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bar was then cleared, after which lord Westmoreland, who rode in the carriage with the king, stated the insult and outrage with which his majesty had been treated; and added, that his majesty, and those who had accompanied him were of opinion, that the glass of his coach had been broken by a ball from an air gun which had been shot from the window of a house adjoining the Ordnance office. This statement was corroborated by lord Onslow, who, as one of the lords of the bedchamber, had also accompanied his majesty; and the House was resolved into a committee of privileges; before which the following examinations took place.

Mr. *John Walford*, of Pall-Mall, Haberdasher, was called in; and being sworn, was examined as follows:

Were you called out on this day by the high constable?—I was.

Upon what duty?—The office of constable, which I serve at present.

Where was you stationed; and what part of the attendance had you?—I was stationed by Mr. Jones, the high constable, at the Horse Guards.

Did you place yourself according to that direction?—Yes.

Did you attend his majesty's coach from the Horse Guards to the House of Lords?—Yes; on the right hand side of his Majesty's carriage.

Give an account of what you observed in that attendance?—On entering into Parliament-street, I observed one man in particular among the crowd very active; which I observed to Mr. Stockdale, my brother constable, at the time. This man was running by the side of the house, calling out "No war! Down with George!" And on our entrance into Palace-yard, I observed something came with great velocity from the foot pavement, as I thought; on which I observed to Mr. Stockdale, "Good God! the glass is broke! That must surely be a ball." His Majesty then passed on to the House, and I observed the man with the crowd perfectly quiet. Immediately on his Majesty's coming out of the House, they set up a hooting and hissing. I did not observe the man any more, particularly, till I got into the Park; I then perceived him frequently stoop down, but whether he picked up any thing or not I cannot say; but at that time there were many stones being thrown about. Hearing him make the same exclamation again, I told him, if not quiet, I most assuredly should take him into custody.

The exclamation of, "Down with George!" again?—Yes; his still repeating it, when I came opposite to Carleton Gardens, I made one or two attempts to seize him, by putting my hands between the Horse Guards. Finding I could not do it, without danger of being trod upon, I requested one of them would draw back; upon finding which I immediately seized him, and drew him in close to the carriage, and conveyed him to the Court-yard of St. James's, where I believe he now is.

On what part of the pavement was the coach, when the glass was broken?—Almost the centre of the coach way, just going from crossing of Bridge-street; just opposite to a bow window house by the Ordnance office, on this side of the office.

Whether you are understood right, that you saw whatever struck the glass as it came through the air, before it touched the glass?—Yes.

You cannot say what it was?—It is utterly impossible, it came with such velocity.

Whether it struck upon the glass side of the carriage, or passed through the carriage first?—It struck the glass which was up; immediately after I saw his Majesty look down.

What size did you apprehend this mischievous weapon to be of?—I observed at the time it must be the size of a marble or bullet.

Do you judge from its size in the air, or from the hole it made in the glass?—It was impossible to judge of its size as it passed, but I judged from the hole it made in the glass.

Whether, at the time this weapon passed, you observed the man where you have before described?—I saw him immediately after; at the time my eyes were not on the pavement.

When you then saw him, was he upon the pavement?—Whether on the foot pavement or not, I cannot tell. The Horse Guards were between the mob and the constable.

Did you observe any thing in the hands of the man during any part of the time?—I did not.

Have you any reason to know whether he had any thing in his hand or not; any recollection of it?—I did not see his hands at all.

Whereabouts was it that you saw him frequently stooping down?—In the Park, by Carleton-gardens.

When you said, "Good God! it must be a ball!" did you mean to say, that it must be discharged by an instrument?—I made the observation, that nothing could throw it with that velocity, but an instrument.

Whether you observed any other outrage committed on the carriage in which his majesty was?—Several.

State them to the House?—By repeatedly throwing stones.

Do you mean by the same man, or others?—I do not positively say that this man threw any; by others many were thrown.

You have stated that you heard this man use the expression, "Down with George! No war!" Did you hear any other persons use expressions of treason or disrespect?—Several repeating the same.

Did they appear to be persons aiding or

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abetting this man, or accidental persons, differently dispersed in the crowd?—I cannot say whether they were immediately of his party; but, there was one party, whom I observed the whole of the way, keeping by the side of the carriage, both to the House of Peers and back again; the same people.

Were they merely men; or men and women indiscriminately?—They were entirely consisting of men and boys.

Did you conceive any of them spoke with a French accent, so as that you might think they were Frenchmen?—No, I did not.

Are any of them in custody?—There are three, I believe.

Upon your seizing the man, did he make resistance, or show any alarm; or what was his behaviour on the occasion?—He struggled very much to get away; on which I was obliged to have the assistance of one or two other constables to convey him.

Was he alarmed?—Very much.

Did he say any thing? What was his behaviour after you seized him?—He said, "Good God! that I should ever be suspected of disloyalty!"

After he was seized, was he encouraged, or otherwise addressed by any of the other persons whom you remarked?—It was impossible any of them could get to us for the horse; but he kept repeating the whole way, "He thought there could be no harm in acquainting his majesty with their grievances."

At the time you seized him, and he struggled, did any body attempt to rescue him?—I conceive it was impossible they could attempt any thing of the kind, from the horse closing immediately upon us. We were surrounded directly by them.

Was it generally observed by the persons who surrounded the king's carriage, that this man was taken into custody?—Do you mean the constables, or the mob.

The mob?—I really cannot say.

Did you search the man you seized?—We did.

Did you find any weapon about him?—There was nothing at all found in his pockets of any kind.

Did the man appear to be in liquor?—No.

Did the ball appear to come in an horizontal direction?—I really cannot tell, it came with such velocity.

Then Mr. *John Stockdale*, Bookseller of Piccadilly, was called in; and being sworn, was examined as follows:

Are you serving the office of constable now?—Yes.

Had you notice from the high constable to attend to-day?—Yes.

Where were you placed?—At the Horse Guards.

Were you all the time near the last witness, Walford?—I was.

Give an account, then, what you observed from the Horse Guards?—I observed a great crowd, and a number of persons, about forty or fifty, going near the king's coach, hissing and making a great deal of noise, and crying out, "No war! No George!" and a number of expressions of that kind

What other expressions?—A number of others, which I did not take particular notice what they were. Mr. Walford mentioned to me, he observed some of the persons that were very active in hissing and making a riot. Nothing particular happened, till I observed, when we came to the narrow part of Palace-yard, when I saw something thrown at his majesty's carriage, and heard it hit the glass. Mr. Walford, who was standing close by me (I was then within a few yards of the carriage) remarked to me, that he thought that was the person who flung it, and desired me to assist in seizing him, and pointed out the man. But as the crowd was very thick, I did not take any particular notice, as I thought it impossible to seize any man, the crowd was going so quick. Nothing farther passed till his majesty alighted, when Mr. Walford observed the man alluded to standing in company with some others near the carriage: he made this remark, that he believed that was the man that flung the stone, and that was so very active; and pointed him out, I believe, to one of the Bow-street persons; I don't know the person, but they said his name was Kennedy. After his majesty was in the coach, and set off on his return home to the palace, we observed this same person, with a number of others, that had followed the coach at the same time downwards, keeping company on the side of the coach in a very disorderly manner, hissing and groaning, and calling out, "No war!" and making use of a number of disagreeable expressions.

What expressions?—Such as "No war!" and I believe "No King!" And this person, with several others that went down and came up, making frequent exertions to get through from amongst the horse to the king's carriage, which by main force we put back betwixt the horses. When we had got about the middle of the park, the constable who was with me (I believe his name is Walford) addressed himself particularly to the young man that was taken up, desiring him to be peaceable and behave better, or he would take him into custody. He, with others, appeared to be very insolent, to set the constable at defiance; upon which he was seized and kept in custody till we got to St. James's. Nothing else passed, that I know of.

Did you see any body in the act of throwing?—I did not.

Were you or Walford foremost when the glass broke?—We were nearly together; he was a yard or two before me.

Did Walford make any observation to you upon it?—He did.

What was it?—He said, "I am certain that was the man that flung the stone; let us seize him,"—alluding to the person that was after-

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wards taken up, a young man in a grey coat and a black collar.

Did you observe the stroke on the glass?—I did not, but I saw whatever it was that was thrown very distinctly, and heard it go against the glass. It seemed to me to have the appearance of an halfpenny; and I saw it so distinct, that it appeared as if the force of the throw was spent before it hit the glass, and, by that means, that it could not break the glass, though I do not know that it did not.

Did you observe if the glass was broke?—No, I did not.

Did Walford make any observation to you with regard to the stroke upon the glass?—I do not recollect—but I really believe that what I saw thrown was not what broke the glass, because other persons that were near me heard something that went past with great velocity against the glass, and that was not the case with what I saw thrown against the glass; as I have said before, the force was spent.

Did Walford make any observations to you upon the velocity with which it was thrown?—I am not certain whether he did or not; but I think he did not think that what I saw thrown was what broke the glass.

Do you recollect that Walford at the time said any thing to you of what he thought broke the glass?—I am not certain; I think he thought it was something that was thrown with great velocity, but I am not certain.

Did he say what that something was?—He did not, but I am as perfectly satisfied as I can be, that there were two substances thrown at the same time, for the reason I mentioned before.

You said, there were forty or fifty persons went back from here?—do you mean to say they were the same parties?—Yes; and several of them seemed to know each other, as if they belonged to the same gang, if I may be allowed such an expression. My reason for it is, that there were several standing together. The young man taken up was resting his shoulder on one of his companions in a friendly manner. I asked him, at St. James's, "if he knew the person whose shoulder he was resting on?" And he denied having any knowledge of the persons he was standing with.

When Walford talked of a substance thrown, did you understand him to mean thrown with the hand?—Yes; but there were other persons present that differed from him in opinion, and thought it was a shot from a window where there were no persons looking out. I looked at the window myself. I gave credit for that opinion, because what I saw thrown, though I heard it hit the glass, could not break it, at least I thought it could not; nor I could not believe the window was broke, till I inquired of the servants about the coach, and then that convinced me that it was something thrown from some window, a marble, or something of that kind, with great velocity.

State the particular part of the street where you saw the substance like a halfpenny strike the window?—It was betwixt the two palace yards, thrown from the right-hand side, in the narrow part.

You attended the carriage from the one palace yard to the other—did you hear any other substance strike the window between the one palace yard and the other?—I did not; and for that reason, that if there was any thing that went through the window, it must have been at the same time, for I did not hear any second stroke against the glass.

Do you recollect who the persons were that thought it must have come from a window?—I do not; but it was the conversation of the different constables that were about the carriage after his majesty alighted, and the opinion of several: I do not recollect who asserted the fact of its being thrown from a window.

Have you since seen the hole in his majesty's carriage?—I have seen one hole; that was after the carriage got into the palace and that was made, I believe, by a tile or something of the kind, thrown at the carriage as it was entering the palace gate in returning.

Did the brick hit his majesty's carriage on the same side as the substance hit it in Palace yard? was it on the right-hand side, or the left?—On the left, I believe.

Did you see the brick hit it?—No; I did. not.

You saw no other hole in his majesty's carriage?—No.

You think something was flung out of a window of a house;—do you know the house?—Certainly I could not; nor within fifty yards.

Do you know the Ordnance office?—I do not.

You mentioned "Walford had taken notice of the activity of a man;" was that when the glass was broke, or before that time?—I believe he mentioned that circumstance to me before the stone was thrown; about half way between the Horse Guards and Palace-yard.

Was the person whom Mr. Walford pointed out to you in Palace-yard, as the person who threw the stone, the person who was afterwards taken up?—Yes.

And Mr. Walford said, "that was the man who threw the stone?"—Yes; he said, he believed that was the man, and pointed him out to Kennedy.

Where did he point him out to the constable Kennedy?—In Palace-yard, within about ten yards of his majesty's carriage, after his majesty alighted.

Was that the same man that he pointed out to you in Parliament-street?—I believe it was; but he then pointed him out with several others, but not him in particular.

Then Mr. *John Walford* was called in again, and examined as follows:

Did you point out in Palace-yard, to Mr.

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Stockdale, a man who had thrown a stone? —I certainly mentioned to Mr. Stockdale, that I thought that was the man who threw the stone or the other matter, or whatever it was that broke the window; my reason for so doing was the activity he had shown the whole of the way.

Did you hear a conversation about an open window?—I heard one of his majesty's footmen make the remark, and asked me, if I had seen it. I told him I had not.

You have said in one of your answers, that you thought it was a bullet from an instrument; you have now said, it was a stone;—reconcile these answers.—I certainly in the first instance, thought it was a bullet, or some other hard substance, from the velocity with which it came. Mr. Stockdale said he thought it was a halfpenny, or something of that kind. I said I really could not tell what it was, but that it must be something rounder and harder to occasion that blow.

Then Mr. *James Parker*, of Pimlico, one of his majesty's footmen, was called in; and, being sworn, was examined as follows:

You attended his majesty to-day from his palace to the House of Lords?—Yes.

Where was your place?—At the coach door, on the right-hand.

Relate what you saw there.—We were coming down by the Ordnance office, and about two doors from there, there was a kind of a ball, or a marble, or something of that kind, that whisked by my face; it appeared to come with great velocity, right straight forwards. I immediately said to one of the yeomen, "I think that came from a gun, a wind gun, for I heard no report." I immediately looked round, could see nothing; I looked at the glass of the carriage, and saw a little hole, I looked round, to see if I could see where the ball or substance, or whatever it was, came from, and I perceived a window open—there was nobody at it, which gave me reason to think it came from that direction.—I said to the yeoman, "I thought it was very strange where that could come from," or something to that effect.—I don't know any thing more.

Can you point out the house?—It has green outside windows.

Was that the only empty window?—I did not observe any other.

Was it a window in a first floor, or where?—A parlour window.

What part of the glass was hit?—Rather lower than the middle; it was no great way from my head: I had hold of the handle of the door.

You say this was one of the houses near the Ordnance; — was it a house with a bow window?—A bow, not of the parlour, but of the floor above it.

Was it not the house next to the narrow passage that comes into Palace-yard, next the cathedral?—It was the end house, there is no other.

You made no inquiry there?—No.

Do you believe the hole in the glass was made by the bullet, or other round substance, that you heard whizzed by you?—I have no doubt about it.

Do you think that, to have done what you describe, it could have been thrown by a hand?—I think it impossible to have come in that way, and leave so small a hole in the glass.

Did you observe any thing else thrown about the same time?—Nothing at all.

Did you give such attention to the house at the time, as to say which window it came from;—No; I could not tell that it came from the window or the street; I only thought that it might come from the window.

Was there any person in any other window?—I do not recollect there was; I was so timid I looked into the carriage, and saw his majesty was not hurt.

You have nothing more to relate?—No.

Then *John Sayer*, officer of Bow-street, was called in; and being sworn, was examined as follows:

Were you attending the procession to day?—Yes.

Were you near his majesty's carriage when it came into Palace-yard?—Yes.

What did you observe?—I observed something come against the carriage.

Were you near the carriage?—Close to it.

What did you observe?—I could not tell what it was—it made a crash.

Against what part of the carriage?—Against the glass of the door.

The center, or pannel?—The center.

You did not see in what direction it came?—No; I looked up immediately.

What effect had it on the glass?—I saw the glass broke.

In what manner?—Apparently with a hole in the middle of the glass with a cracked star up it.

Did you see any thing thrown at that time?—I did not.

Was it a large hole or what?—I take it it might be as big as my finger; a round hole; apparently round.

Did you observe any open window?—I did not.

Was any other officer with you at that time?—No.

Where was Kennedy?—A little before me; near the carriage:

Do you recollect the place where it happened:—Yes.

Do you know the house opposite to where it happened?—Yes.

Which house is it;—To the best of my knowledge, it is the house next the Abbey.

Whose house is it?—I do not know.

Did you accompany the carriage going and coming?—Yes.

Then you saw what sort of people they were—did you take notice of those who were

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guilty of the riots and insults going and coming?—Yes.

Did they appear the same, or a different set of men?—There were different men at different places, but some followed all the way.

What was the number, as far as you can state, that you think followed all the way?—There might be thirty or forty of each side the carriage.

Did those thirty or forty appear to know one another?—I cannot say that.

What was the nature of the insult they offered, in language, or how?—They were swearing and hissing.

What language?—They hallooed out, "Peace! Peace!"

Any thing farther?—I heard nothing farther.

You did not hear them say, "Peace! and no George!"—No.

Did you mean thirty or forty on each side the carriage, or only thirty or forty on both sides the carriage?—On each.

Then you mean eighty?—If I was to say hundred on each side, I should not exceed.

Do you mean these hundred came and returned?—No; they might for what I know.

Did you see the man that Walford took into custody?—I saw a man that was taken into custody, but do not know it was the same he took into custody.

Was the person you saw in custody one of thirty or forty that were turbulent?—I saw him, amongst a number of other persons that were hissing, when the constable laid hold of him.

He was seized in the Park?—Yes.

Do you recollect seeing him before, in Margaret-street or Palace-yard?—No.

But you had seen him before, among the crowd?—Yes.

Where had you seen him?—I saw one of the horse soldiers put him aside, just before the constable laid hold of him.

In the Park?—Yes.

Then you had not seen him before?—No.

Be quite clear as to the number of persons who followed the coach the whole way going and coming—whether thirty or forty on each side or more?—I should suppose there might be more than that going and coming.

Then *Christopher Kennedy*, Bow-street officer, was called in; and being sworn was examined as follows:

Were you in attendance to day?—Yes.

Were you near the carriage of his majesty?—Yes.

Did you see any thing pass in Margaret-street, or Palace-yard?—I heard something come against the glass of the door of the state coach—I looked up, and saw a hole in the glass, and the glass starred.

What sort of a hole?—A small hole.

What do you suppose it was made with?—I do not know what it was made with; I do not think it could be a stone.

Why?—If it had been a stone, I should think it would have made a larger hole.

Did you observe any open window opposite to the carriage at that time?—I did not.

Did you observe a number of people about the coach?—Yes.

Did they follow the coach going, and on its return?—Yes.

Did they appear to be the same party on its coming and returning?—Yes, they did.

In what manner did they behave?—Some huzzaing, some hissing, and some calling for peace.

Any thing on the return?—On returning, I heard several somethings come against the state coach.

What things?—I do not know. I did see one stone, and that about as big as a large walnut.

Did you go with the coach till it got back to the palace?—Yes.

Was there a glass broke then?—Entering the Stable-yard, I heard something come against the glass.

The witness was directed to withdraw.

The examinations being closed, lord Grenville moved the following Address to his Majesty,

"Most Gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, , in parliament assembled, beg leave to approach your Majesty, humbly to express to your Majesty our indignation and abhorrence at the daring outrages offered to your Majesty's passage to and from your parliament. We cannot reflect without the utmost concern, that there should be found within your Majesty's dominions, any persons so insensible of the happiness which all your Majesty's subjects derive from your Majesty's just and mild government, and of the virtues which so eminently distinguish your Majesty's character, as to be capable of these flagitious acts. And we beg leave humbly to lay before your Majesty the earnest wishes of your faithful Lords, , in which we are confident we shall be joined by all descriptions of your Majesty's subjects, that you will be graciously pleased to direct the most effectual measures to be taken, without delay, to discover the authors and abettors of crimes so atrocious."

A slight conversation took place on this proposition, in the course of which, the Marquis of Lansdown animadverted with severity upon the conduct of ministers, whom he discredited and reprobated upon this occasion. He said he believed,

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that it was no more than the counter-part of their own plot; the alarm-bell, to terrify the people into weak compliances. He thought it was a scheme planned and executed by ministers themselves, for the purpose of continuing their power, a power which drew the constitution into their own hands, and which he would not consider as safely lodged while in their possession.

The Address was agreed to, and communicated to the Commons at a conference.

Debate in the Commons on the Address of Thanks.] Oct. 29. His Majesty's Speech having been read from the Chair,

The Earl of *Dalkeith* said, that with the indulgence of the House he would state his reasons for moving an Address in answer to his Majesty's Speech from the throne. He could not but consider his majesty well warranted in feeling the satisfaction he expressed at the improved aspect of affairs. He desired the House calmly to weigh the occurrences of the war. On the continent, the French had certainly gained considerable advantages, but they were pretty equally balanced by their losses in other quarters. In the East Indies our successes had been uninterrupted. In the West Indies, indeed, our prosperity had neither been so encouraging, though, upon the whole, he considered affairs in that quarter as abundantly favourable. It was natural to expect, from the unparalleled extent of our commerce, that it would be exposed to occasional losses. Yet, compared with the trade we had to protect, the loss was trivial. The commerce of the enemy was annihilated. The present powerful armament destined to the West Indies, and the high reputation and talents of the leaders, to whom the enterprise was confided, afforded reason to expect the most brilliant advantages. The present was a contest in which every thing was to be effected by exertion. Nothing was to be hoped in the view of a peace, from the influence of reason, policy, or humanity, upon the conduct of the enemy, who looked only to the events of war. It was necessary to impress them with a conviction of their inability to accomplish the criminal projects they had formed; and he was confident that a disgraceful peace would be more mortifying to Englishmen, than all the evils they could suffer from the most disastrous war. The present moment was most improper for negociation. He was not sure that the new plan of government met with the approbation of the French people. The decree for the re-election of two-thirds was generally known to be extremely obnoxious, and as it had been necessary to employ the army devoted to the Convention, to enforce its execution, the whole appeared to him no other than a military government. It was even still doubtful to which party the victory would fall. The anarchy in which France had been involved was still the same. In short nothing seemed to indicate a return of a stable and permanent government. He concluded with moving an Address to his majesty, which was, as usual, an echo of the Speech.

The Hon. *Robert Stewart* * rose to second the Address. He began with declaring, that he would not trespass upon that indulgence with which young speakers were commonly favoured. After several handsome compliments to lord Dalkeith on the able manner in which he had moved the address, he first took a view of the leading features of the war, and the original grounds of justice and necessity upon which it had been undertaken. Much of his argument was aimed at illustrating the idea first expressed in his majesty's speech, namely, that since the last year the situation of public affairs was materially improved. In examining the state of France it was clear, he said, that her finances and her energy were nearly exhausted. She had derived the extraordinary vigour which she had displayed from the operation of the system of terror. Her expenses were enormous, and could not long be supported. Her means of raising supplies were to the disbursements exactly in the ratio of seventy to one. This was proved by the speeches and reports made from their committees to the Convention. So great was the discredit of their paper currency, that the Convention had decreed the recall of the assignats, while, from their total want of all commerce and manufactures, it was impossible that specie could be procured. The system by which Robespierre attained power, and by which he governed, was founded upon cruelty and terror. The present measures he considered as guided pretty nearly by the

* The present Viscount Castlereagh, [A. D. 1817.]

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same principles, and possessing much of the same character. The severities which prevailed under the former were exercised under the present rulers. He adduced the instance of Barrère and his associates, and the practice of condemning men by military, instead of revolutionary, tribunals; both of which were equally repugnant to a government that affected to ground itself on the principles of freedom, equality, and justice.—He confessed that the last campaign had not been distinguished by brilliant success. Our exertions, however, had been usefully employed. The war had forced the enemy to adopt unjustifiable means for the support of an unjustifiable system. Yet this system necessarily tended to exhaust itself, and to weaken them by the victories it enabled them to obtain. Their incapacity to injure was our best guarantee, and to this point by our exertions we had reduced, and were still contributing to reduce them.—Distressing, as it was, to see the necessity of additional burthens, it was a consolation to perceive our resources unimpaired. No where were the people deprived of the comforts of life by the effects of the war—no where were they vexed or oppressed. Monied men were readily found to lend upon favourable terms, the sums necessary for the expenses of government. The next budget would, he hoped, show that there were still many good objects of taxation, while those of last year could not be called burthensome to the people, and it afforded a consolatory reflection, that the taxes we already felt, and the national debt, great as it was, were in a state of liquidation.—This favourable view of our situation he believed the opposite side of the House, disposed as they were to dwell upon our disasters, would not venture to contradict. The defection of some of our allies from the general cause he lamented; but if we regarded their conduct as treacherous and disgraceful, it would ill become us to select it for imitation. There was, however, some argument to be urged in their justification. They had made peace not merely compelled to it by disasters, but when the principles of the French government were changed, when her system of conquest and of intermeddling in the affairs of foreign states was abandoned. Close to the frontier of the enemy on one side, and having a suspicious friend on the other, their existence, which was paramount to all treaties, was endangered. Such was the situation of the Hanoverian dominions, and he hoped that no serious argument would be raised by the opposite side of the House, on the conduct of the elector of Hanover. Such a theme might be a proper subject for a schoolboy's exercise, or for a declamation at Copenhagen-house, but it was unworthy a real statesman. The different situation of Hanover and of this country, pointed out the different politics we had to pursue. Fortune, and not the arms of France, had conquered Holland. The slowness with which the new principles operated, was a proof of the dislike in which they were held by many, and of the short possession they would probably maintain of that country.—To our navy much attention had obviously been paid, and to the diversion made upon the continent, the power of our employing it to the best advantage was chiefly ascribeable. Never, in fact, had the arms of Britain been more fortunate by sea. In every important station—the Mediterranean, the East and West Indies, we were masters. The present armament to the latter would, in all probability, secure us so large a share in the colonies as would compensate, in a great measure, for the enormous acquisition of territory by the French armies.—He approved of the principle of the war, and reposed the most unlimited confidence in the chancellor of the exchequer, that he would embrace the earliest opportunity of making peace. Had the right hon. gentleman pledged himself to negociate with any particular form of government in France, when pressed by the opposite side of the House, he should have considered him as unworthy of his confidence. He believed him to be actuated by no interested motives, and he trusted that he would be guided by no precipitate views. Anxiety and eagerness for peace would not, he hoped, allow our efforts to be broken, and he confidently expected that the period would arrive, when we might look back to the exertions we had made, as having been employed not less in preserving the safety of our country, than in contributing to the general security of Europe.

Mr. *Sheridan* said, he was indeed surprised to find that the fifth word of the speech was the word "satisfaction." As the speech, not of the king, but of the minister, he would exercise his constitutional right as a member of parliament,

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and examine it freely. To be satisfied with every thing had been esteemed a mark of piety and christian resignation. In this view, the present ministers were the most pious men in the world. They were satisfied with the improvement of our situation since last year. It was stated that a check had been received in Italy, but it was not remembered, that at the period alluded to, the Republicans had not penetrated into Italy. It was likewise said, that the army upon the Rhine had been forced to retire. The army of the Rhine, however, had not last year crossed the Rhine, and now they were only prevented from advancing to the Danube, and obliged to limit their progress to the German side of the Rhine. We were now at war with Holland, which might likewise be thought by ministers to contribute to the improvement of our situation. The king of Prussia, after having cheated this nation, had been vindicated by the noble lord, on the plea, that he was justified by necessity. Spain, too, had now forsaken the confederacy, and increased the "satisfaction" of the minister. In the West Indies we had at one time three islands, which were now reduced to two. From the scarcity with which we were threatened formerly, there was now an acknowledged famine. He was astonished how such words could be inserted in the Speech, and pronounced by his majesty with a smile of conscious triumph, at the very moment when he was carried through the midst of his starving, dejected, and even beset with his irritated, clamorous subjects. The prospect of peace, he said, was now more distant than ever. In the speech of the session before last, it was said "that a continuation of our efforts, was necessary to bring the object of the war to a successful termination," and at the conclusion of last session hopes were raised of such a state of order and regular government as might be capable of maintaining the relations of amity and peace. Now it is said, that next year will produce events of which it is impossible to foresee the consequences, like the predictions of the almanack-maker, who announces events of which all Europe will be the witness. Jealousies were commonly entertained of the introduction of Hanoverian troops into this country, but he declared he should have no objection to import the whole Hanoverian council, and instal them in the office of his majesty's present ministers. They might advise him to adopt measures which no arguments or events can recommend to those who now regulate his councils. That virtuous lady, the empress of Russia, it was likewise said, had sent her fleet to the North Seas, but it was to eat English meat and to learn English discipline, not to afford a cordial co-operation in any professed object of the war. It had been said, that general discontent would produce some change in the situation of the affairs of France. If sufferings and calamity contributed to produce any practical improvement in the constitution of a country, he wished the principle to be applied to ourselves. And if a state of misery, and famine, and discontent were the guides to a better order of things, the people of England were in the high road of its attainment.—The armament of the West Indies appeared to him to infer the utmost criminality in ministers. The fleet ought to have sailed six weeks ago, instead of which it could not set sail for at least a fortnight. It had been remarked by the hon. gentleman, that the ministers acted upon no principles, and that for this reason they merited his confidence. It must be confessed indeed, that they discovered no fixed principles in the conduct of their plans, or in the choice of the objects of their exertions. The secretary of state for the war department had boasted that the expedition to the West Indies was a favourite with him. This right hon. gentleman was no knight-errant, he was one of those who wished to obtain some valuable acquisition, and had no objection to lay hold of an island to swell the number of our colonies. A young man (Mr. Jenkinson), more sanguine in the cause of the emigrants and of monarchy, had proposed to march instantly to Paris; he wished to strike at the heart of the Republic, while the allies only struck at the extremity: he would have fastened on the core, they only nibbled at the rind; instead of assailing the capital, they only braved the dangers of Noirmoutier and Poitou. These disastrous expeditions where the wretched emigrants were left to the vengeance of their incensed countrymen, however, seemed to awaken no sentiments of English pride or resentment. It was not, indeed, British blood which had flowed, but it was British honour which had bled at every pore, and the murderous enterprises must one day, "sit heavy on the souls" of the authors of them.—We were, however, determined to save

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the islands, and a desperate effort was to be made; for his part, he had not the heart to survey the gloom in which affairs were involved. In Martinique there was only one regiment of effective men. He entertained great doubts of the policy of enlarging our West India possessions, which could only serve to drain what we could least spare—men, 15,000 troops had been landed in St. Domingo, from whence 1,500 were sent to Grenada, of whom, in four months, 14 officers and 400 men were lost. They were stuffed into hospitals in the most deplorable situation, and by the most unaccountable negligence were deprived of the aid both of medicine and surgeons. From the most culpable inattention to the providing of necessary transports, 90 instead of 40, were put on board each ship, without the possibility of accommodation. The death of the many who perished in this shocking manner ought justly to be imputed to the conduct of administration.—He considered the minister of Charles 2d, when that weak monarch was the pensioner of France, not more guilty of treason than the minister who should expend the treasure of this country in replacing upon the throne of France the family of the Bourbons, the natural enemies of Britain. We, on our side of the House, have told you before, to do as the king of Prussia had done; find out what government the French armies obey, under whose command and control they beat the world, and negociate with them; we have told you to do as Spain had done; we now tell you to do as the elector of Hanover has done.—Mr. S. adverted to the declaration of Louis 18th. He had suspicions, that it was in the heart of ministers to act up to the spirit of that declaration, and to establish, if possible, the old unqualified system of despotism in France. Against such an object he must make his stand, as far as it might go. To the support or increase of the naval force for the defence of Great Britain and her commerce, he would give his hearty support, but to establish the purpose of Louis 18th he would not give a shilling of his constituents money, if it were true as it was suspected, that the heads of that proclamation were penned in this country, with the concurrence and under the direction of ministers. Why were the race of Stuarts expelled but because they entered into a league with France? And could any league be more destructive to this country than one with the house of Bourbon, who had been the uniform and inveterate enemies of Great Britain? No association with the Republic, could be so destructive to our interests; for never were there worse neighbours on earth than the French during the monarchy. The rash and fruitless attempts to restore that family, ought therefore to be totally relinquished, and government should declare itself willing to treat with the French republic.

Mr. *Jenkinson* could not but consider the present moment as extremely improper for negociation. An anxiety for immediate negociation would only serve to retard peace, and raise the demands of our enemies. He justified his former declaration respecting a direct march of the allied army to Paris, declaring that the overthrow of the French government was not so chimerical as the hon. gentleman inferred. General Dumourier, whose character as a military man gave weight to his opinion, had declared himself convinced of the practicability of the scheme, and its defeat was in a great measure occasioned by the want of fidelity and of exertion upon the part of the allies. He contended, however, that considerable success had been gained. The situation of the people of France at the end of 1793 was different from that of the present period. In 1793 they were furious in their profession of the doctrines of equality, and zealous in their propagation. They had now abated much of their vehemence. The plan of their new constitution seemed more agreeable to reason, experience, and policy. Should this plan be reduced to practice, the objection to the fluctuating nature of the government, would be removed. That we had succeeded in repelling the danger with which we were threatened, was undeniable. From the important successes which marked the commencement of the war, various royalist insurrections had taken place. From these one of three alternatives was to have been expected, either, that the enemy would have been unable to oppose the allies, that a counter-revolution would have been effected, or that a civil war would have burst forth. Unfortunately for France, for Europe, and for humanity, the system of terror and of Robespierre, built upon the Rights of Man, was introduced. That the war was not the cause of that system gaining ground, was undeniable. It was clear that it owed its credit to its fascinating influence over the minds of the people. By

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degrees they felt its miseries. In the dawn of returning reason, they submitted to the power which freed them from the oppression under which they had groaned, and which, in its turn, he had no doubt they would remove. The war, he said, tended to abridge the duration of that system, and the miseries it produced in France. The determination of France to retain Holland was, he said, an insuperable obstacle to an immediate peace. No man would deny, that it was an object of infinite importance to prevent France from gaining so large an extent of coast as the superiority of Holland and the Netherlands afforded. Possessing the whole coast from Bayonne to the Weser, she might in peace usurp our commerce, and in war distress us by her cruizers, and be enabled by the increase of her naval strength to oppose not only strength to strength, but strength to our weakness. It would be highly unwise to enter upon immediate negociation, when a few months might place us in a situation to treat with greater advantage. In the beginning of this war, he acknowledged that the restoration of the emigrants, and of the monarchy of France were objects that he equally wished and expected, considering them as objects of infinite importance to the country. Were it possible still to restore them, he should consider it as a fair object of war. Though he was one who once thought that object attainable, he now saw no probability of its final success.

General *Tarleton* observed, that the prospect of affairs was, indeed most gloomy. The numerous army, with which the French had lately obliged the king of Spain to come into their own terms, would now be employed in the invasion of Italy, while our efforts against the French possessions in the West Indies, would probably be frustrated, as they had been on the coast of France, through misconduct on our side, and the difficulty of the very attempt itself. It was vain to repeat exertions that had been so successively foiled. Ministers were no longer deserving of confidence; their evident incapacity required their immediate dismission, and the trial of new men, as well as of new measures.

Mr. *Fox* said, that after hearing his majesty's speech, and after hearing the arguments which had been advanced for the address, he should not feel that he did his duty, if he were to give a silent vote. He had little to add to what his hon. friend (Mr. Sheridan) had said on the surprise which the first insulting paragraph of his majesty's speech must excite in the bosom of every man; and which, in the old times of spirit and energy that distinguished the people of this country, would have drawn upon the ministers who were the authors of it, indignation and punishment. He said, insulting paragraph, for it was not enough it seemed, that they should with impunity persist for three years together in the prosecution of a war for miserable speculations—it was not enough, to add one hundred millions of debt to the capital, to load the people with five millions per annum of permanent taxes—it was not enough to grind the poor and unhappy people of this country in such a manner as to make almost every man of them feel the misfortune of scarcity and want, but they must also be insulted, by putting into his majesty's mouth, in the very first paragraph of his speech the impudent falsehood, that their situation was "materially improved!" How was their situation improved? In what circumstances were the affairs of this country bettered since the last year? Were they improved from the recent success of the Austrian army? This success, whatever it might be, and of which he believed ministers had not themselves any very perfect account, was not an improvement in comparison with the last year, but the last week; and surely it could not be called an improvement of our situation, since last year the French were not in possession of a foot of territory beyond the Rhine. That they might now be forced to retreat was possible, and perhaps it was possible, that in comparison with the disasters which were expected from the continuance of their successful career, this retreat might be construed into an improvement; but that it should come from his majesty's ministers, who had prevailed on parliament to guarantee to Austria a loan of four millions and a half, which was to procure positive conquests on the part of Austria, was somewhat curious. They had told parliament that, from the various points of contact between the Austrian dominions and France, the Emperor was capable of seriously wounding her, if assisted by this country; and upon these representations, the House was prevailed upon to become the guarantee of this enormous loan. Now, what was the issue of these repre-

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sentations? Instead of Austria having been able to penetrate into any part of the French dominions, or to wound them in any one point, they were told that it was an improvement of their situation, that the French had recently been forced to retreat from posts of which they were not in possession at the time of the guarantee. Was it an improvement in our situation, that they had extended their dominion beyond the Rhine; that Manheim had fallen into their hands, and that the greater part of the palatinate had also been over-run? It was an insult on the understandings of Englishmen, to say that in this quarter of the war there was an improvement in our situation. The check given to the French in Italy was also introduced as a matter of triumph; that was because the French had not succeeded in all their extent of operations, and because they were not masters of every part of the countries they had invaded, the situation of Great Britain was improved. Or did ministers mean to insinuate that, in a general comparison of the situation of the two countries, our state was better than last year?

It had been alleged by himself and others, in the course of last session, that there was great reason to apprehend a scarcity of grain in the kingdom, and that it was worthy the consideration of ministers, before they pressed for a continuance of a system that necessarily increased the consumption, to see that the country was plentifully supplied with the necessaries of life. This observation was treated with the most lofty disdain, and in a tone of insolent and haughty indignation, the suggestion was imputed to a factious spirit, which sought to raise an unnecessary alarm in the minds of men. But how had the event turned out? That these warnings had been most lamentably verified, it was not necessary for him he believed, now to state; nor would it be alleged, that in this particular our internal situation was "materially improved." Improved! Good God, when we were reduced to such a point of misery, that, looking into the situation of the common labourer, from one end of the country to the other, it was a melancholy and a heart-breaking fact, that not one man out of ten was able by his labour to earn sufficient bread for himself and his family! Oh, but it seemed that France was reduced to a situation of "unparalleled distress!" And this was held out to the people of Great Britain as a matter of consolation to them! He would not quarrel about the words "unparalleled distress!" it might be so; but he must animadvert on the strange logic which was used upon the occasion; for the people of this country were to be told, that this unparalleled distress of the French was owing entirely to the war; whereas the distresses of England had nothing on earth to do with it! How such a difference could exist in the operation of the war it was not for him to divine—that in France all their scarcity, all their calamities were to be imputed to it, but that in England the war had no effect whatever on our internal situation. If the people of this country had so thoroughly surrendered their understandings to the eloquence of ministers as to believe this kind of logic, he had no more to say; it was impossible to add any thing that could expose so gross an absurdity.—The depreciation of assignats was the everlasting burthen of all their harangues. "France was utterly undone! France was incapable of all exertion! France was completely exhausted in consequence of the depreciation of her assignats!" This had been the incessant story with which the parliament and people of this country had been deluded from the beginning of the war. Last year they were told, that France could not go on, for her assignats were at a discount of eighty per cent. [Some gentleman said in a whisper, that it was not last year, but the year before that this was said]. Last year, or the year before, said Mr. Fox, it is a little matter which; it is hardly possible for any memory to state the precise time of these assertions, they have been so incessantly made, so incessantly repeated, so incessantly held forth to the people of this country as grounds of hope, and have so constantly ended in disappointment, that whether it was last year, or the year before, was precisely the same to the argument. When he was told that the assignats were at a discount of 80 per cent. he ceased to think upon the subject: from the moment that they were at 80 per cent. discount, it was no longer of consequence to speculate upon them. All theories of mere arithmeticians on the subject were from that instant at an end; when a paper currency was at 80 per cent. discount, it would be said, upon the mere calculations of theory, to be tantamount to extinction. But

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when he looked to experience and practice, when he referred to the example of America, a reflecting statesman would hesitate before he presumed to delude his country, by building on such an hypothesis. And, accordingly, as if the instance of America had not been sufficient to correct the fallacy of mere calculation on such a subject, France had given another lesson on the point—France that was reduced to such a state of weakness, as, from her deplorable situation, to be held out as an easy prey—France, that, in the month of June last, was said to be gasping in her last agonies, and when, on account of her deplorable situation, it was said to be impolitic for us to give her peace—France has, since the date of her expiring agony, made the most brilliant campaign that the history of mankind almost ever exhibited, in which her arms had every where been triumphant, and where, by the mere force of conquest, she had reduced almost every one of our allies to sue for peace, and secure their safety by negociation. Such was the issue of their calculations upon her distress! He was afraid, he said, of such agonies; and surely no man of common sense, after such a result, would again calculate upon success from the depreciation of their paper.

But it was not their paper only which was adduced as a proof of their distress; they were utterly destitute of provisions, it seemed; and as an argument for continuing the war, the House were told, that the French government had been obliged to unload the ships at Brest in order to supply Paris with bread. This was said to have been their condition. Be it so. What must be their feeling of the cause in which they had engaged, that under such a pressure of scarcity, could rouse them to such exertions? Those who had last year held out this argument of their distress as a ground of hope, and who put into his majesty's speech the memorable expression, "that the internal situation of the enemy should make us indulge a hope that they were hastening to such a state of order and regular government, as might be capable of maintaining the accustomed relations of peace and amity with other powers," would now explain upon what better grounds they held out the less precise and less intelligible hope of the present speech. They then said, that the distresses were likely to produce a return of a state of order and regular government, so as to enable us to treat with them with confidence and security. What do they say now? "The distraction and anarchy which have so long prevailed in that country have led to a crisis—" When I heard these words, said Mr. Fox, I took it for granted that we were to be told the exact nature of the crisis, and the good which our ministers were about to extract from it. But, mark the words: have led to a crisis of which it is, as yet, impossible to foresee the issue." Here is a piece of information for the parliament and people of Great Britain! It goes on, however: "but which must in all human probability produce"—Ay, now we come, I hope, to the desirable point—produce peace, I hope—no such thing!—"produce consequences highly important to the interests of Europe!" Good God! is this a proof of the improvement of our situation since last year? Does this hold out to the oppressed and starving people of England a nearer prospect of the termination of this unfortunate war? Last year their distress was likely to produce such an order of things as would give us a secure peace; and now, all that we are to look for from the distraction and anarchy that reign in France, are consequences that may be "important to the interests of Europe!" What period of the eventful history of this wonderful revolution has not been productive of consequences materially important to Europe? Of what change that has taken place might not the same thing be said? When the revolution, as it is called, of the 31st of May took place, might it not have been said, that a crisis was approached that might have produced consequences important to the interests of Europe? When Robespierre's tyranny was extinguished, might not the same thing have been said? Upon the insurrections that have happened from time to time, and particularly on the late insurrection, in short, on every great event that has arisen in France, the same equivocal words might have been used by his majesty's ministers.

What, then, were the people of England to understand from these words now? What prospect did they hold forth that his majesty's ministers were to seize on the first favourable moment in which they might negociate beneficially for peace? If they were to argue from their past conduct, they surely could draw no favourable conclusion, nor any rational ground of hope from these unintelligible words.

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In December 1792, Mr. Fox said, he had made a motion,* to which he certainly could not, without a degree of egotism, recur, because he could not recur to it without pride and satisfaction to himself. He asked, whether a negociation might not have been entered upon at that moment with a greater probability of securing a beneficial peace to England than now? He had in every session since that period, renewed, in one way or another, the same motion; and he desired to know whether our perverse continuance in the proud denial of its being the proper moment to negociate, had bettered our condition, or opened to us the prospect of a more honourable termination of the war? On the contrary, had we not from year to year entangled ourselves deeper, and rendered the practicability of peace upon safe and honourable terms more hopeless? But, there was one point of view in which our present situation had been viewed by an hon. gentleman, very much connected with ministers, and who, he hoped, spoke on the present occasion authoritatively. The hon. gentleman had said, that he was now willing to admit, that all prospect of restoring the emigrants to their estates, and the Bourbon family to the throne of France was hopeless; that it was a matter of prudence to calculate the value of an object, together with the chance of procuring it, and not to pursue any object, however desirable, beyond the rational hope of obtaining it. If the disasters of the war had produced this conviction in the minds of ministers, he, who thought that wisdom was the first of human acquisitions, and that prudence in the governors of a state was not merely a most valuable but a most necessary virtue, would be willing to allow that our situation was improved. It was improved, because our ministers were brought at length to a conviction of their error; because they had returned to their senses. But, good God, what a series of calamity and disaster had been required to produce this restoration of their reason! What a state of degradation must that House and the country be come to, that it should be held out as a matter of exultation, and as a proof of our situation being improved, that ministers had been at length corrected, not by the indignation and energy of the people, but by the consequences of their own imbecility and guilt! What a contrast did this exhibit between the present and the ancient state of England, when the power of control which belonged to the vigorous understanding and the manly spirit of Englishmen was extinct, and the people were supinely content to wait until obstinate fury should, by its natural course, correct itself! Oh, miserable England, to what a state are you fallen, when such is the wretched consolation in which you indulge!

The expedition to Quiberon was one of the grand sources by which this conviction was produced in ministers. He knew not by whom that expedition was planned; he knew not in whose desperate bosom the idea of the horrid expedition was engendered, but it was a scene over which the heart of every manly Briton shed tears of blood; and which had done more mischief to the British character, had sunk it lower in the eyes of observant Europe, and would stain it more in the estimation of posterity, than all the rest of the operations of this war, frantic, base, and inhuman as many of its projects had been. Good God! to think that so many brave and honourable men, among whom there were gentlemen of the purest feelings and of the most honourable principles, should be led to massacre in the way in which they were! That one of the most gallant among them the [count de Sombreuil] should be denied the slender consolation which he requested in his expiring moments of having his letter made public, was such an act of savage barbarity as would leave an eternal stain upon England, if parliament and the people did not testify their indignation by fixing a strong mark of censure upon its authors. Yet even this lesson—even the dreadful issue of this abominable scheme—did not produce the effect upon the minds of his majesty's ministers which might have been expected; another expedition was framed, in which the emigrants were to be employed in a descent upon the coast of France. The second expedition was concerted, perhaps, with somewhat less indiscretion, and somewhat less barbarity, than the first; but it seemed to have its origin in the same principles, and to owe its birth to the same parent. It was owing only to its utter failure that it had not been equally disastrous; for if the expedition to L'Isle Dieu had been carried into effect in the same manner as the first, the unfortunate persons must have been equally abandoned. And yet,

* See Vol. 30, p. 80.

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though not attended with the same fatal effects as the first, the expedition had been attended with misfortune Our fleet had been exposed to great risk on a dangerous coast; and even now we must either land the stores upon L'Isle Dieu, for the maintenance of the unhappy persons still there, or abandon them to the certain, though lingering death of famine, or to the more merciful doom of the guillotine. It was impossible to animadvert upon the conduct of ministers in these expeditions without being astonished at the insanity with which they were planned It must now be a matter of secret congratulation to themselves that every one of their projects had failed; their success would have made it impossible for them to have maintained the argument which they had held that day. What did they do? They sent an officer to summon Belle Isle in the name of Louis 18th, the rightful king of France, and thus they made their officer declare a falsehood, a direct falsehood, as great a falsehood as if he were traitor enough to declare that cardinal York was the rightful king of Great Britain. But what must have been the consequence if, upon this summons, Belle Isle or Noirmoutier had yielded? We must have landed and taken possession of them in the name of Louis 18th, and the unfortunate prince, just landed in the place under our auspices, would have been identified with our cause, and we should have been pledged to the restoration of this legal monarch in his rights. Could we then have had the blessing which was this day held up, of abandoning a course, which could no longer be pursued with rational hopes? We should then have been reduced to the melancholy alternative of abandoning the prince and his followers with infamy, or of prosecuting his cause under the most desperate circumstances. Fortunately for ministers, however, their project had failed, and they were thus relieved by the want of success from the folly of their act. It was by this sort of reasoning alone that he could resolve the strange paradox of the seconder of the motion, who had said, that the very failure of the war had produced good consequences. If it were applied to our expeditions to the coast of France, it perhaps might hold true, as the consequence was a conviction in the breasts of ministers, that it was impracticable to pursue the restoration of Louis any more.

It was with pain that he took up the time of the House, with any observations upon this kind of reasoning. He was confident that the natural plain sense and understandings of Englishmen, who had always been distinguished for their love of direct and plain dealing, would soon be disgusted, and reject with indignation and nausea a cause that required such refinement of reasoning to support it. An hon. gentlemen had said, that the opinions of the French were certainly specious in themselves, and calculated to intoxicate the minds of the lower ranks of men; but that, in their own nature, they would, sooner or later, generate such a tyranny as that which Robespierre exhibited, which again, in its own nature, would correct the impression which the specious opinions had originally made. The war, then, with all its disasters had been so far useful, that it had accelerated the conviction which Robespierre's tyranny would of itself have more slowly produced. The war was a sort of yeast that fermented this tyranny: and thus, in this idle train of reasoning, was the House presented with another theory in excuse of the war. If men were to play with such theories as matter of amusement, he should certainly not contend about them. He should then be extremely willing to leave them as a very good theme for school-boys, as the hon. seconder had said; but it was a dreadful thing when such theories were taken up by statesmen, and gravely acted upon as legitimate causes for plunging their country into the horrors of war. Such theories might suit well for a literary or a political disputant, and might be made very amusing either in a club-room or in a pamphlet; but for a man to undertake the office of a statesman, and to bring such theories into practice, was such an outrage, not merely upon common sense, but upon moral duty, as must shock the heart of every considerate, and of every feeling mind. What a picture of human wantonness did it not exhibit, that in order to ascertain the question, whether a certain set of opinions might be brought so much more speedily into disrepute, it was a good and right thing that a hundred millions of money should be squandered, and hundreds of thousands of our fellow-creatures be put to death! In his mind, a war against opinions was in no one instance, and could not be, either just or pardonable. A war of self-defence against acts he could understand, he could

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explain, and he could justify; but no war against opinions could be supported by reason or by justice: it was drawing the sword of the inquisition. How could we blame all those abominable acts of bloodshed and torture, which had been committed from time to time under the specious name of religion, when we ourselves had the presumption to wage a similar war? Who would say, that all the blood that had been spilt from the fury of religious enthusiasm, might not have been made to flow from the pure but misguided motive of correcting opinions, when we ourselves thus dared to dip our hands in the blood of our fellow-creatures, on the mere pretext of correcting the errors of opinion? We must change all the doctrines that we had been taught to cherish about religious persecution and intolerance; we must begin to venerate the authors of the holy inquisition, and consider them as pious and pure men, who committed their murders for the beneficent purpose of correcting the heresies which they considered as so abominable, and restoring the blessings of what they conceived to be the only true system of christianity. In the same manner, the present war against opinions was to be entitled to our esteem, and its authors to be venerated for their morality. In this war they also were great conquerors; they had lost towns, cities, nay kingdoms, they had squandered a hundred millions of money, they had lost a hundred thousand men, they had lost their allies, they had lost the cause of the emigrants, they had lost the throne to the family of the Bourbons, —but they had gained a set of rather better opinions to France!

He contended, that at every moment from the commencement of the war to the present instant, our ministers might have negociated with the French upon better terms than they could at this time! and that our relative situation had been gradually growing worse. The famous decree of the 19th November, 1792, was the first great pretext for going to war. That decree we might have got rid of by negociation. But if that decree was an obstacle to negociation, it was well known that the disgusting tyrant Robespierre himself not only formally repealed it, but made it the pretext for murdering Brissot and about one hundred persons more, whom he called its authors. Why not negociate after that decree was repealed? Oh! they were afraid of the fascination of French principles on the minds of the people of this country. But, surely, they could not say that these principles continued to be fascinating and tempting after the reign of Robespierre. If ever they had any attraction for the popular mind, they surely must have lost it, and become, on the contrary, the detestation and horror of every human being, as exhibited under the implacable tyranny of that despicable miscreant. Did they make overtures of peace when these principles had lost their temptation? What! it would be said, would you have treated with Robespierre? Why not with Robespierre? Do we not daily treat with tyrants? He would have treated with Robespierre; not because he did not think his government the most disgusting tyranny that ever existed, but because England had nothing to do with his tyranny. On the 27th of July, Robespierre was cut off, and his principles were declared to be infamous. Why did not ministers then make overtures of peace? There was nothing in their former conduct that could give that House or the nation confidence in their intentions of making peace whenever the favourable opportunity should arrive. On the contrary, they stood convicted of fraud; for when an hon. friend of his (Mr. Grey) made a motion on the 26th of January last,* which it was not found convenient directly to oppose, an amendment was moved, declaring that they were ready to enter into a negociation, whenever there should be a government established in France, capable of maintaining the customary relations of amity and peace. Did they offer negociation when it was proved by experience that France had such a government? It had been proved that France did maintain such relations of peace and amity, for Prussia had made peace with her, Spain had made peace with her, many of the states of Germany had made peace with her, and among others, the elector of Hanover had made peace. The hon. seconder of the motion had said, that any one who made an argument on the conduct of the elector of Hanover, and reasoned on it as an example for England, would deserve to be treated as a schoolboy. He must submit to incur the imputation; for he confessed, with deference to the hon. gentleman, that it was worthy

* See Vol. 31, p. 1193

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to be discussed. He was ready to own that there might be situations in which the conduct of the elector of Hanover in a negociation might not be a model for England; but what was the case here? The right hon. gentleman opposite, in speaking of the state of France, said, that if a peace was concluded with her, in her then condition, he should at least have to exclaim,

Potuit quæ plurima virtus
Esse, fuit; toto certatum est corpore regni.

Her situation had not changed when the Hanoverian minister thought it his duty to negociate with them for peace. Would the right hon. gentleman say on the occasion,

Potuit quæ plurima virtus
Esse, fuit; toto certatum est corpore regni?

He did not believe that he would venture to make any such assertion. They had heard that night much panegyric on the new constitution of France. They might almost have supposed themselves sitting in the convention, and to have heard Louvet, or some other author of the new constitution, delivering a panegyric on it. All our hopes were now to be fixed upon this new constitution. He confessed, for one, he was not willing to place much dependance upon a constitution of which he knew nothing, and which had not been tried; but this was the new theory of the day; this constitution was to be capable of maintaining the accustomed relations of peace and amity. Mark the conclusion of this argument, that the proper time for treating together for peace, was to be put off until we had experience of this new constitution. What was to be the term of probation he knew not; one thing only was certain, that on this new pretext, the war was to be continued. What if this constitution, like all their former constitutions, should fail? Why, then our hopes of peace must fail too, and we must begin again. What a miserable series of subterfuge and expedient was all this! But, say they, would you make peace with a country that changes its constitution so often? To which, said Mr. Fox, I answer yes, I would; if they changed their constitution every week, nay, every day, if they had seven constitutions a week, I would treat with them. What have I to do with their changes of constitution? Experience has shown that neither the changes of men, nor the changes of constitution, have had any effect on the engagements which they have formed with foreign countries. I will not speak of the recent treaties they have entered into; but let us look how all the successive parties have acted towards Sweden in the neutrality which she established. The party of Brissot, the party of the Mountain which succeeded the party of the Girondists, the individual tyranny of Robespierre, into which the Mountain subsided, the party which overthrew Robespierre, and all the shades and changes of government which have happened since, have with uniform fidelity observed the treaty with Sweden, and maintained the relations of peace and amity which subsisted between them. In like manner, some changes have happened since the treaty with Prussia, and it has nevertheless been regularly maintained. It is idle to talk of the theory of a constitution being a ground of dependence for the observance of a treaty. If a rational treaty is made, and it is the interest of the parties to keep it, that is the only true and wise dependence which you can have for the continuance of peace.

It had been said, continued Mr. Fox, that much had been done to meliorate and soften down the opinions of France. He asked, whether a recognition of their independence and an offer to treat, would not do more to bring the people of that country to an amicable disposition to treat than all our failures had hitherto done? But it was urged, that the offer to treat ought first to come from France. He said that the offer ought to come from us, because we had made resolutions, and had been guilty of the indiscretion of coming to declarations that stood in the way of negociation. These must be done away in order to bring us to an even footing. It was said, would you leave them the Low Countries and Holland? That House was not the place, nor was the present the time, to talk of terms. There was no doubt of one important fact, and ministers might go to a negociation with a confidence of that fact, namely, that if France, on account of her successes, exacted high terms, such as were inconsistent with the honour and interests of this country, they would be supported in the dire, but then necessary, alternative of continuing the war. The terms at the same time in every negociation must depend on the relative situation of the parties. But he would not admit of that eternal evasion that the time was improper. One year we were too high

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to treat, another year we were too low; and thus the continuance of the war was prolonged, without any calculation being made whether the expense of continuing it for one year, was not more than the difference of terms we might expect between a good and a bad relative situation. In his mind, every time was the proper time for treating; and it would not be denied but that we had suffered more favourable periods to escape than we were likely again to possess. When we were masters of Valenciennes and Condé, and France was beset on every side, with insurrections raging in her bowels, that was the favourable time to treat. But no, we were then too high. What! treat when she almost lay expiring at our feet? We suffered that moment to pass. Last year, again, we had great success in the West Indies; Guadaloupe and St. Lucia were ours, in addition to Martinique, and France was obviously desirous of peace. No, then again we were too high, and we were asked in a lofty strain in the month of June last, What, shall we treat with her when she lies in her last agony? Nothing, they said, could save her, and it was our interest to withhold from her the peace of which she was desirous. The event has proved that the prediction was not well founded; and here we are, after three years war, reduced to a state in which we are said to be too low to treat, with nothing left us but the hopes that some day or another a favourable opportunity will arise for negociation. In the mean time we have only one of all our allies left to us, and that ally must, by the principle on which she has acted for the last year, be hired to continue her alliance. All our hopes were to be founded on our conquests in the West Indies. Let us look with an impartial eye at the state of our West Indies. Was there any thing very consoling in that quarter of the world? He dreaded to encounter the examination. The French commerce, it was said, was utterly annihilated; and the French navy, too, was reduced. We had certainly had many brilliant naval achievements, which did immortal honour to the British flag; but at the same time, it would not be said that our own trade was entirely protected. Insurance to Jamaica had risen from four to eight per cent.; and he did not think that even our internal situation was improved. His majesty's speech had held out a melancholy picture with respect to the quantity of grain in the kingdom, and the subject was recommended to their most serious consideration. Whenever it came before them, he should give it certainly the most careful and the most impartial examination. It was not his opinion that it was greatly within the province of human legislation to do much on such a topic: but what could be done in the way of regulation, he trusted they should with one voice steadily and expeditiously pursue. Nothing, he believed, would do so much towards preventing the evil of a scarcity, as to give to the people the restoration of peace, which would be likely to bring with it its usual companion, plenty. It was an insult on common sense to say that war and military expeditions did not, in their very nature, aggravate scarcity by increasing consumption. Putting the whole country into the military state which England was at this time at home, necessarily increased the consumption of grain, and if this was the case, how much more did the argument hold good with respect to expeditions to distant parts? The quantity of increased consumption, without taking into the account the quantities damaged and lost, was immense, and he would be bold to say, that if government, instead of interfering with regular merchants, and putting an end to all the active competition of men, more expert in trade than themselves, had followed the example of the government of France, with respect to the ships at Brest, and had unloaded the transports that were sent to Quiberon Bay, they would have done more towards alleviating the late scarcity, than by all the corn which their agents imported.

He could not leave that miserable expedition to Quiberon Bay, without again expressing his indignation at it. The House would do him the justice to recollect how much beyond his usual pertinacity he had urged them to avoid the indiscretion and cruelty of employing the emigrants on any such expedition. He had said, that they could not be employed so as to stand on the same terms with our own troops; that their condition would be desperate in regard to France; that therefore it was neither politic with respect to ourselves, nor kind and considerate with regard to them: that if we employed them on any such expedition, we identified their cause with ours, and made it impossible for us to retract with honour, whatever might be the events of the war.

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What was the answer to this reasoning? That, in fact, their cause and ours was the same, and that the crown of George 3d was not safe upon his head if they were not reinstated in their country. Thus the die was cast; they were thus invited to join the fatal standard; they embarked in our cause, which they were thus told was the same as their own, and they were sent on that fatal expedition which every feeling heart must deplore. Though he could not entertain the idea which some coarse and vulgar minds had taken up, that certain ministers in the cabinet, reflecting on the indiscretion they had committed in thus charging themselves with so many of these emigrants, had sent them on this forlorn enterprise as a happy riddance, yet he must repeat, that if the justice and indignation of the country did not fix a censure upon the authors of that expedition, the disgrace of it would eternally rest upon the character of the nation. When he first moved for entering into a negociation with France, it was said What! would you negociate with men about to stain their hands with the blood of their sovereign? Yet now, if the present speech from the throne meant to say any thing honestly, it meant, that with these very men ministers would have no objection to negociate at a certain crisis. The nature of this murder, then, was such as to be washed away after a two or three years purification. And even with Tallien, who, among others, dipped his hands in royal blood, they would have no objection to treat; though whatever was the conduct of that person on other occasions, the boldness with which he came forward to destroy the tyranny of Robespierre did him great honour. It had always been his opinion, that if we could not get men of pure morals, and men of personal esteem to treat with, we must take the men we could find; taking care that our treaty should be founded on such principles of moderation and justice, as should not be likely to vary with times or parties, and which it should be the interest of both countries to maintain. Instead of this, we had acted upon a set of unprincipled delicacies, by which this country had been reduced to such a state of distress, as for the last six months to make almost every common man dependent upon charity for subsistence. Was not such a state more likely to undermine the loyalty and obedience they were desirous to cherish than all the fascination of French principles? Was it not likely, that under such a pressure, undisciplined minds might be led to cherish the idea, that that government could not be perfectly sound nor practically happy, which inflicted on so large a proportion of its people so much misery. It must be a matter of great consolation to hear from his majesty's speech, that instead of any such refractory sentiment, a very general spirit of order and submission to the laws had been manifested by his people; and their pleasure ought to be increased when they recollected the dreadful and dark conspiracies which raged in the country a twelvemonth ago. These conspiracies had been quashed in a most extraordinary way; they had been quashed by the full, clear, and honourable acquittal of all the conspirators; and now this "order and submission to the laws" was a matter of exultation to his majesty, when the Habeas Corpus suspension act was in full force!

Another most extraordinary argument had been adduced for the war by an hon. gentleman opposite to him (Mr. Jenkinson); the war, he said, was quite necessary, in order to enable men of rank to inveigh with becoming spirit against French principles, and the diabolical doctrines of Jacobinism. He was very ready to allow, that the philippics against French principles, in which gentlemen in that House and elsewhere so liberally indulged themselves, did require some means to give them currency: but that they wanted a war to give them forces that nothing less than an army of 200,000 men, and a navy of 110,000 men, could make these philippics go down, he did not know till now. He remembered it was an accusation against Roland, that in order to corrupt the public mind, by propagating his opinions, he had squandered much of the public money. Roland, in his defence, said, he had certainly not squandered much of the public money, he had only spent 30,000 livres Tournois; and that in assignats, in printing; whereas it had cost our ministers one hundred millions sterling to circulate and support their harangues against the French! A more extraordinary means of publishing their invectives could not have been thought of. One would have thought, that having their civil list, their patronage, their places, their pensions, and their newspapers, by which to spread and give currency to their abuse against the French,

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it was strange that they should hit upon a war as the only means to recommend their invectives to the taste of the country. If he could not entirely agree with the hon. gentleman as to the war being begun only in aid of the intemperate language and violent epithets which were thrown out upon the French, yet nothing was so certain, as that the inflamed passions which gave rise to that language, gave rise also to the war; and that the good sense and manly feelings which would have avoided the one, would also have directed us to the rational course which would have prevented the other. The hon. gentleman spoke of the rights of man, among the reprobated French principles. That all men had equal rights, he would not stop to argue; it was a truth which the hon. gentleman himself must feel. It was not the fallacy of the principles that had made the French Revolution disgusting, but its atrocities; it was the misapplication and misuse that had produced so much turpitude and ruin. Of those principles he was ready to defend the greater part; the abuse of principles had, indeed, caused the mischief in France; but the principles themselves remained still pure and unalterable. Mr. Fox concluded with saying, that for these reasons he could not consent to vote for the address which had been moved; he held in his hand an Amendment, expressing in short terms the facts he had enumerated, and drawing from them the practical use that ought to be made of them. He then read the Amendment, as follows:

"We beg leave humbly to intreat your majesty to review the events of the three last years, and to compare the situation and circumstances of the belligerent powers at the period when hostilities commenced, amd at the present moment; to consider that a great majority of the numerous allies, on whose co-operation your majesty chiefly relied for success, have abandoned the common cause, and sought for security in peace, while others have been unfortunately thrown into alliance with the enemy: that our foreign possessions in the West Indies have, in many instances, been over-run, pillaged, and destroyed, and the security of all of them put in imminent hazard: that the expeditions to the coast of France have proved either disgraceful or abortive; tending, without any rational prospect of public benefit, to tarnish the British name, by a shameful sacrifice of those to whom your majesty's ministers had held out the hope of public protection: that amidst all these adverse and disgraceful events, there has been an expenditure of blood and treasure unparalleled in the history of former wars. Such being the result of the measures which have been pursued, we cannot honestly discharge our duty to your majesty, the country, and ourselves, without fervently imploring your majesty to reflect upon the evident impracticability of attaining, in the present contest, what have hitherto been considered as the objects of it:—We therefore humbly entreat your majesty no longer to act upon the opinion, that the governing powers of France are incapable of maintaining the accustomed relations of peace and amity. An opinion formerly proved to be unfounded by the situation of the states of America, and of those nations of Europe who have throughout maintained a safe and dignified neutrality; and recently by the conduct and present condition of Prussia and Spain, and the princes of the empire. But that your majesty will be graciously pleased to take decided and immediate measures for bringing about a peace with France, whatever may be the present or future form of her internal government, and look for indemnity where alone indemnity is to be found; in the restoration of industry, plenty, and tranquillity at home:—While we thus earnestly implore your majesty to consider, in your royal wisdom, how fruitless the pursuit of the war is become, and how idle and imaginary the supposed obstacle to peace, we declare, that if the existing powers in France were to reject a pacific negociation proposed by your majesty upon suitable terms, and to persevere in hostilities for their own aggrandizement, or with a view to the establishment of their system of government in other countries, we would strenuously support a vigorous prosecution of the war, confident that the spirit of the nation, when roused in such a cause, will still be able to accomplish what is just and necessary, however exhausted and weakened by the ill-concerted projects of those who have directed your majesty's councils."

Mr. *Pitt* said, that the Amendment contained a proposition so extraordinary in itself, that he could not believe the right

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hon. gentleman was serious in making it. It was neither more nor less than this. After observing the supposed state of universal degradation and disappointment to which we had been reduced in consequence of the war, we were advised at this moment to sue for peace, without being informed how the negociation was to be conducted, or what indemnity this country was to receive. That amendment, therefore, only held out the mockery of returning to a state of security and peace. He wished to confine his attention to the Address moved, and to contrast it with the amendment. The first proposition to be proved was, that on considering the relative state of the belligerent powers since the commencement of the present war, notwithstanding our reverses, the prospect arising out of the general situation of affairs, had been materially improved. The period comprised in this proposition included the space between the opening of the last session, and the moment at which he was then speaking. He wished to ask every candid man, with what feelings they entered that House at the commencement of the last session? He then desired them to ask themselves, what were their impressions, with regard to general security, at the present moment? He hoped, when a fair comparison was made between these two periods, no candid man would suppose that he meant to insult the people of England, when he used the word "satisfaction." He declared, that on a general review of the state of this country ten months ago, and at the moment when he was speaking he felt no small degree of satisfaction. His grounds of satisfaction were these: allowing for all the victories the enemy had gained in different quarters; allowing for every advantage they had obtained; allowing, also, for all the calamities which might have befallen this country or our allies, he begged of the House to look at the present principles of the war, to examine it in all its parts, and they would easily observe the grounds of his satisfaction. They could not fail to perceive the enemy's reduced means of prosecuting the war. The enemy was now in a situation in which they felt a greater necessity for peace, and had a much stronger disposition for it. If he was right in that proposition, was it to insult the country to express the satisfaction which he felt from these circumstances? The first question that presented itself, was, whether or not the means of the enemy were reduced for carrying on the war. At the commencement of the last session, the value of assignats was from 20 to 25 per cent. At the present moment for one hundred assignats of nominal value, only one and a half were received; consequently, they were now only about one-sixteenth of the value they were ten months ago. At present the French had assignats in circulation to the incredible amount of 720 millions sterling. The number of assignats was still increasing: so that the enemy had to face another campaign under these circumstances. He believed in his conscience that farther resources could not be raised unless by the restoration of the system of terror. Was he to consider all this as nothing? Most certainly not. But there were some favourable circumstances in the situation of the enemy, and he had no desire to conceal them. He had no difficulty to state the equivocal conduct of the king of Prussia. The French could also disband the two armies which they had withdrawn from Spain. On account of the peace they had concluded with Prussia, &c. they might do with a much smaller army than when they had to oppose the whole of the confederacy. Yet it must be observed that for every pound sterling that was formerly paid to each man in such an army, they must give 16*l.* at the commencement of the ensuing year. The depreciation of assignats was constantly increasing, in a compound ratio. The only question was, whether, as these assignats would very soon, in all probability be totally inefficient, there were any other means of maintaining their operations. Without pretending to give an opinion on a subject so complicated, he had no difficulty in stating, that he saw the perplexities arising from this depression of assignats pervading every individual in the state, and bringing nothing, as the French themselves had said, but misery and paper into every corner of the country. To supply the place of assignats, it had been proposed to introduce metallic pieces into circulation; but it had not been explained whether these were to pass for more than their intrinsic value, which if they did they were only metallic assignats instead of assignats made of paper. If those metallic pieces were to pass at their value, no mention was made how they were to be procured. A nation destitute of gold and silver could only procure those

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precious metals in exchange for the exportation of those productions it had raised from its own soil, after leaving at home sufficient for its necessary consumption; and after procuring all the other articles of consumption, which its own soil did not produce. The eternal law of things proved that this was the only mode of procuring the precious metals. Now their commerce was ruined. Their loss by the destruction of the commerce of their colonies, of the Levant, and the loss of their internal manufactures, particularly those of Lyons, had been estimated at many millions sterling.—He was ready to admit their successes on the Rhine. At first view, it appeared impossible they could have faced the Austrian army which was so formidable in that quarter. The expedition to Quiberon bay, and the hard fate of the unfortunate emigrants who were fighting for their lawful monarch, must be considered by us as a calamity, independent of its effects. Every man's personal feelings were interested in that event. He would admit that the enemy had been only kept on the defensive on the side of Italy; but if the House would look at the enemy during the course of the present campaign, they would clearly see, that though their successes had been great and many, the internal situation of France was most deplorable.—Taking, therefore, into the account all the victories obtained by France, when he considered the state of their internal resources, and their inability to carry on the war for another campaign, he had no doubt but the situation of things was materially improved.—There were certainly many circumstances in the present situation of France, favourable to peace, though it might still be a question, whether it were advisable or practicable for us to treat. They now universally reprobated that system of oppression under which they had so long groaned. They now expressed their detestation of that system of government, which in this country had met with such enthusiastic applause. The new constitution had been ushered in with a denunciation of all the other systems of government which had been devised in the course of the revolution. They seemed now to be satisfied that they must renounce their desperate projects, and build a system of peace on more solid and durable grounds. It was still a question with him, whether the French could put in execution the constitution which they had decreed. The right hon. gentleman opposite had said, that the king's ministers were not sincere in their professions of a desire for peace. He said he was willing to submit to the imputation of insincerity; to any imputation, however harsh, rather than to sue for a peace that must inevitably bring disgrace on the country. If peace with the present government of France should be the termination of the business, he should regret that the efforts and resources of the principal nations of Europe, contending against a country in a temporary delirium, and exposing others to destruction, had not been more vigorously and effectually employed, for the purpose of restoring social order, exiled law, morality and religion. But being under the necessity of submitting to those things which he could not control, he was disposed to look with gratitude to the many favourable circumstances which then existed. If we were but true to ourselves, much might yet be done for the honour and security of the country. Much had been done to destroy those destructive principles that had so long prevailed in France, and laid waste that fine country. The resources of a brave and free people, living under a mild and well-regulated government, and supported by individual industry, were infinite. They had enabled us to defray the heavy expenses of the war in which we were engaged, while France had been living on the capital of the country. After the payment of our taxes, though in some degree burthensome, every man in this island, could say his personal liberty and private property were secure, under the protection of the law. In France, all the natural rights of mankind had been grossly violated.—He came next to the high price of corn in this country. He agreed, that nothing was more difficult as a subject of legislation. It required the immediate attention of the House, to see if any measure could be adopted for relieving his majesty's subjects from the heavy pressure under which they now laboured, and for preventing similar calamities in future. According to the best information government were in possession of last year, there was no reason to apprehend that grain would have arisen to such a price. One circumstance that contributed to it was, the lateness of the last harvest, by which means there was a difference of near one month's consumption. Gentlemen talked of the great quantities of corn that had been sent abroad for supply-

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ing our fleets and armies. Before such remarks were made, gentlemen would do well to inform themselves how much grain had been removed from domestic consumption, how much had been imported, and how many ships loaded with grain had been stopped, and which in time of peace would have gone to other countries. He concluded by observing, that ministers would use every means in their power for reducing the high price of grain and for rendering the situation of the poor more comfortable.

The question being put, "That the words proposed to be left out in the Address, stand part of the question," the House divided:

Tellers.

Yeas	Mr. Jenkinson - - - Mr. John Smyth - -	240
Noes	Mr. Grey - - - - - Mr. Whitbread - - -	59

On the main question being put, Mr. Windham took occasion so censure Mr. Fox's panegyric on the French constitution of 1789, as well as his approbation of the destruction of the Bourbon family, and insinuated, that Mr. Fox had a partiality for making constitutional experiments.

Mr. *Fox* justified his former expressions respecting the French revolution. He had asserted, that the subversion of the French monarchy in the Bourbon family, was an event favourable to the liberty of Europe, and that the fall of that family would be looked on by posterity with admiration, because with it fell the reign of despotism. But at no one time had he given an unqualified opinion of the governments which succeeded that event; much less would he stand pledged to give the least countenance to the scenes of blood and cruelty which had been the almost inseparable attendants on the varied governments that followed one another. He formed his opinion of government by the test of practice, and not by theory and on paper. He disclaimed experiments and innovations, and he did not know on what principle innovation could be imputed to him. He had, it was true, supported the projects of Mr. Pitt as to a reform in parliament, because he believed those projects to be good; and if the insinuations went to this point, he readily acknowledged them to be just. If they went to any other object of his opinions or practice, he did not comprehend them. He loved the constitution of this country, because in practice he found it to be good, and this, with him, was the only criterion of a good government.

The Address was then agreed to.

The King's Answer to the Commons Address.] To the Address of the Commons his Majesty returned this answer:

"Gentlemen; I thank you for this very loyal Address. It affords me the greatest satisfaction to learn that you concur in the view which I entertain of the general situation and prospect of affairs, and to receive the assurances of your firm and decided support in those exertions which are most likely to ensure and accelerate the restoration of peace on such grounds as the justice of our cause, and the situation of the enemy, may entitle us to expect."

Attack on his Majesty.] Two masters in Chancery presented a Message from the Lords desiring a present conference in the Painted Chamber.

The *Speaker* informed the House, that this message was informal and irregular, as it had always been the usual practice of either House, when it requested a conference, to state upon what subject the conference was requested.

Mr. Pitt then moved, "That a message be sent to the Lords to acquaint them, that, the House having received a message from their lordships, whereby they desired a present conference it is not agreeable to the usage and proceedings of parliament, for either House to send for a conference without expressing a subject matter of that conference." The motion being agreed to, the messengers were called in and acquainted therewith. Shortly after, the said messengers returned with a message from the Lords desiring a present conference on a subject materially affecting the safety of his majesty's person, and the honour and dignity of parliament.

Mr. Pitt then moved that managers be chosen to attend. The managers being returned, Mr. secretary Dundas reported, that they had held a conference with the Lords in which they had been informed that their lordships, in consequence of having examined several witnesses, had agreed to address his majesty, and that they desired the concurrence of that House in the address. The address was ordered to be taken into consideration

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to-morrow, when it was agreed to *nem. con.*

The King's Answer to the Joint Address of both Houses.] The Address being presented to his Majesty on the 31st, his Majesty returned this Answer:

"My Lords and Gentlemen,

"I receive, with great pleasure, this additional proof of your uniform zeal and loyalty. I have too much reason to be assured of the affectionate and steady attachment of my people at large, to have felt any other sentiment upon this occasion than that of concern at so high a violation of the laws. I shall not fail to give such directions as may best tend to bring to justice and punishment the persons concerned in an offence so dangerous to the public tranquillity, and so injurious to our excellent constitution."

Debate in the Lords on the Address of Thanks.] Oct. 30. The order of the day being read for taking his Majesty's Speech into consideration.

The Earl of *Mount Edgecumbe* rose, for the purpose of moving an Address. He said, he could not but participate in the feelings expressed by his majesty, and was perfectly convinced that our relative situation was much improved. On the part of Italy, where much anxiety had prevailed, respecting the progress of French arms, nothing was now to be apprehended. They were confined within their own limits, and we had no cause of alarm in that quarter. On the side of Germany, it was true, they had been more successful. But there also they had met with a severe check. They had passed the Rhine, and pushed forwards, while they saw not the face of an enemy to oppose them. Now they had found one capable of punishing their rashness, and who had succesfully pursued the advantages which they had gained. Although our enemy had acquired great territorial possessions, yet, happily, not one of those evil consequences had happened which it was supposed would result from the addition to their power. They had conquered Holland, the possession of which it was generally supposed would carry such an accession to their naval force as would render them more formidable than they had hitherto been. But the immense expenses incurred by their expedition against that country, far exceeded any advantage they had derived from the acquisition. Thus far, therefore, considering our situation as relative to that of our enemy, we had just reason to assert, that the ultimate advantage was on our side. Their finances too, were in such a state of ruin and confusion, that shortly the whole system must inevitably go to destruction. At this moment, the depreciation of their assignats was as seventy to one. On the other hand, we were in possession of immense revenues, and enjoyed a flourishing commerce, while that of our enemy was annihilated. Arts and manufactures flourished with us; our enemy they had totally forsaken. In this point of view, therefore, we had an infinite superiority. He thought it also a subject of congratulation to their lordships, that our enemies seemed approaching to that state of order and government, which would render it possible for us to enter into negociation with them. They now earnestly wished to enjoy a settled form of government. If the present crisis should produce such an event, his majesty had graciously informed them, he would gladly treat for peace. With regard to the high price of grain, that House could not repair the evils arising from a bad season; but, in their legislative character they might, perhaps, prevent monopoly, and the unfair practices of trade. He then moved an address, which was, as usual, an echo of the speech.

Lord *Walsingham* seconded the address. He insisted, that, from the deranged state of the French finances, a short time must inevitably bring them to ruin. Yet, even at this time, his majesty did not evince a vindictive disposition, but declared himself ready to treat, whenever any government appeared with which we could safely treat. And, surely, no one could wish for peace, unless it was permanent; for, of all evils, a patched-up, temporary peace was the greatest that could befall a nation. In another view, it was also to be dreaded: for, should our forces be disbanded, it would be difficult again to bring them to the pitch at which they now were.

The Duke of *Bedford* said, that from that respect which was due to the dignity of the House, he should wish an address to be adopted, not merely echoing the speech, but couched in language more suitable to the importance of the crisis. It was always understood that the speech was the composition of ministers, and that they were responsible for its contents. It

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had been repeatedly asserted, that their assignats were in a state of such discredit, that the French could not continue the war three months longer. But, in proportion to the depreciation of their assignats, had the vigour of their exertions increased. Their success, therefore, was the grand criterion to which he looked, and not to any vague conclusions of reasoning. With this success before their eyes, he was astonished that the minister should make use of the word "satisfaction," as applied to the present posture of affairs, and presume to say that our situation was improved. It was an idle assertion, unsupported by argument, founded upon the most gross and palpable misrepresentation, and only calculated to impose upon the understanding of their lordships. What was this boasted improvement of our situation? We were referred to what had taken place in Italy. But what had taken place there, partook more of an escape than a triumph. In every other quarter, except in the instance of the recent check on the Rhine, the French had been victorious. He was no advocate for war, he was no panegyrist of victory. Let victory follow victory, still he was sensible that nothing could compensate to a people for the calamities of war. There were situations, indeed, in which war was inevitable; but still, even in those situations, victory was dearly purchased by the waste of treasure and the effusion of blood. But if the French had but little reason to exult in their successes, what had we to compensate us for the enormous expense which we had incurred of blood and treasure? We had been deserted by our allies, we had experienced distress at home, and disgrace abroad. Under these circumstances the people of England might have expected that there would have been held out to them some prospect of peace. Instead of this, however, there were nothing but ambiguous promises, and vague declarations. It surely would not now be contended that the French were incapable of maintaining the accustomed relations of peace and amity. They had shown themselves capable of maintaining those relations towards the neutral states, America, Denmark, and Sweden, and towards those princes of the empire who had entered into treaty with them. And there was one in particular (the Elector of Hanover) who would surely never have made peace, if he had either supposed them incompetent to maintain those relations, or had confided in those prospects of success with respect to the issue of the war, which had been held out by ministers. —But it was asserted in the speech, that there prevailed in France a state of things of which it was impossible to foresee the issue; that the present crisis might lead to events important to Europe. The transactions which had taken place in France within the last three years, had, indeed, been fatally important to Europe. But what was there in such a declaration at the present moment applicable to the nature of our situation, or calculated to afford any rational prospect of peace? Were we to wait till ministers should determine that the period had arrived when France was competent to maintain the relations of peace and amity? Were we to exercise confidence in the men, of whose blunders and mismanagement we had daily experienced the most lamentable proofs? One expedition he could not omit mentioning. It was held out, that an attachment to royalty prevailed strongly in France, and that numbers would flock to its standard the moment it was reared. A numerous and gallant army was set on foot, and for a length of time, kept in a state of inactivity. At last the expedition was as madly carried into execution, as it had been indolently protracted, A handful of men, attached to the cause in which they embarked, were sent to France; but by whom were they seconded? By men devoted to the republic, taken from English prisons, in consequence of the folly or insolence of ministers having precluded the means of exchange, and who were glad to purchase their freedom at any price. By these new friends, whom ministers had given them, were these gallant royalists betrayed. But as if not contented with this first failure, ministers had sent out another expedition, which, by occupying a great part of the fleet, and leaving a considerable space of the sea open, had exposed a most valuable branch of our trade to the successful depredations of the enemy.—With respect to the West Indies, no man could lay his hand on his heart and say, that we were now in a better situation than that in which we were placed at the commencement of the war. The capture of Tobago and Martinique had but poorly compensated for the many disasters we had experienced and the dangers which threatened our other islands.—With respect to the high price of

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grain, he was extremely doubtful whether any interposition of parliament could be effectual. But there was one remedy for the evil—the restoration of peace. In time of war, the waste was always greater than in time of peace. The moment was peculiarly critical. We had been deserted by a considerable proportion of our allies; the assistance of those who remained, we were obliged to purchase by enormous subsidies. We were contending with an enemy fighting for their liberties, and for every thing that was dear to them. And such was the extreme pressure at home, that the industrious poor could scarcely procure the means of subsistence. For the origin of these evils, we must look to a ministry, if not corrupt and despotic, at least weak and inefficient. Let their lordships boldly come forward, and tear away the veil which had wickedly been obtruded before the eyes of the sovereign. Unless parliament stepped forward to do their duty, all was lost. Under this impulse he now came forward to move an Amendment to the address. Here his grace read the Amendment, which was precisely the same as that moved yesterday by Mr. Fox in the House of Commons. [See p. 181.]

Lord *Grenville* said, he had listened with attention to the noble duke in expectation of hearing some new arguments in favour of our entering into a negociation for peace, but his expectation had not been realised. The noble duke had asked, wherein our improvement consisted? He had said that we were at this time not nearer the point than when we commenced, and that ministers were not warranted in stating that our condition was materially improved. They had stated that offensive operations meditated against Italy by the French, had been *defeated*. Was not that a material improvement? France was stated last year by the noble duke, to be on the point of over-running Italy, and, it was said, if they did, the prospect would be alarming. *If, then*, the enemy has been defeated in this object, was not the situation of affairs *considerably* improved? In the case of Germany, the enemy, after having crossed the Rhine, had been obliged to retreat, and abandon their enterprise. From Mentz they had also been driven back; and yet their lordships were told that these circumstances were not a cause of satisfaction. Could the noble duke forget, that last year the acquisition of Holland to the enemy was another subject on which he dwelt, as it would give France a naval superiority. But what was the consequence? We still remained masters of the ocean; the enemy's fleet was not only blockaded at Toulon, but a considerable part of their naval force had been unable to make Brest, and driven into another harbour, where they still remained. At no one period of the naval history of this country, was the superiority of our fleet more manifest. He desired the House to compare the situation of the two countries. This country, if driven to a farther prosecution of the war, could bear it, for we had still great resources. Whereas the enemy were almost totally destitute of any. What had hitherto been the resources of the enemy? Assignats. To assignats the French Revolution owed its success, and with their fall would expire the whole system of that Revolution. To this point they were now rapidly running. In this respect, the situation of France was very materially changed since last year. During that period, the depreciation of the assignats had increased in the ratio of 16 to 1. He did not advance it as an opinion of his own, or as the result of his own reasonings, when he affirmed, that unless the number of assignats in circulation was diminished, the country would be totally ruined, and the farther prosecution of the war, on their part, rendered impracticable. He gathered this information from men of every party and principle among the enemy, who, in their successive struggles for power, had been called to assume the direction of affairs. Were individual authority to communicate any strength to the general concurrence, he would adduce the opinion of a man, whose correctness of information he could rely upon. General Montesquieu, to whom he alluded, was certainly a man of talents. He had been the supporter, if not the projector, of the system of paper credit at its commencement, and now, upon his return to his country, he had devoted himself to discover a remedy for the evils which the unlimited extension of that system had occasioned. But even he despaired of success. In the memorial he had written, he enforced the immediate necessity of withdrawing a very great proportion of assignats from circulation, and out of thirteen milliards, to leave only three. The circulation, he said, had been increased since Montesquieu wrote, in a

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period of only four months, five more milliards; and at length the committee of finance had resolved to call in the whole assignats, and break the plates to pieces. The Convention had admitted the necessity of employing coin; which, however, it would be impossible for them to obtain. —But from this state of internal distress one good effect had resulted. The French had now approached much nearer to a state, in which they were capable of negociation. They were exhausted with their sufferings, and desirous of repose. They had begun to recognize certain principles, which afforded, at least, a ground of dependence for future negociation. They were about to adopt a new constitution, less exceptional than those which had preceded it. With a government so established, he had no hesitation to declare, that negociation might be entered into. A scarcity of grain, it was to be feared, existed in this country; yet it could little conduce to the happiness of the people to inform them that this calamity was occasioned by the war; more especially when the fact was the reverse. The disaster at Quiberon had not occasioned the scarcity of provision, as the grain which upon that occasion fell into the hands of the enemy, was not conveyed from this country, but consisted chiefly of the cargoes of some of the American ships, which had been seized on their way to France. He vindicated that expedition from the censures it had received. The bad success of it was to be ascribed to the treachery of emigrant corps; an event which ministers could not foresee. They had confided the selection to the emigrant officers; and to whom could they have confided it, with so much probability of its being wisely made? There was no man more desirous of peace than he was; and the speech afforded a reasonable expectation, that, when suitable terms were offered, his majesty would not refuse them.

The Marquis of *Lansdown* said, that nothing but a deep sense of duty compelled him to appear that day in the House, after having so repeatedly delivered his sentiments on the conduct and progress of the war. He delared, he had lately read over every line that he had spoken on the subject of the war, to be found in the publications of the times, and he did not find occasion to retract a single syllable. At its commencement it was a question whether the national honour should be preserved entire, whether Germany should be endangered or Holland lost? His apprehensions on each of those topics had been realized; Holland was gone, Germany in danger, and our arms disgraced. These were facts that were obvious. He therefore, confessed his astonishment at finding that his majesty had been advised to declare his satisfaction at the improvement in the prospect of our affairs; but much as he was surprised at such a declaration, he had been not a little amused with the explanations given by the noble secretary of state. When he had formerly prophecied the consequences that would result from the conduct of our allies, his observations had been heard with impatience and disgust. When he presumed a little to doubt the security we had for the sums lavished on the king of Prussia, the noble secretary had been indignant that the honour of so good and so faithful an ally should be suspected, or that the zeal and steadiness of the king of Sardinia should be questioned. The noble secretary of state chose to forget all these circumstances, and even exulted in the national success, because the prophecies had not been completely fulfilled, and things were but half as bad as had been predicted. But what was our good fortune? Was it an improvement of our situation, that the French had got possession of Luxemburgh, of Dusseldorf, and Manheim? Was it an improvement that the elector of Bavaria, and most of our allies had made peace with the French? That the Landgrave of Hesse Cassel, our faithful ally, no sooner received his arrears which he had contrived to get of the present ministers, although the successive administrations for thirty years together had refused to pay them, than he also left us, and made peace with the common enemy? With such facts as these staring him in the face, how many years of such improvement did the noble secretary of state think the nation would be able to bear?— In the speech from the throne, there were some faint glimmerings of peace. The noble secretary trusted that the House would be too complaisant to interfere with ministers in the way in which peace was to be made. He owned he had little confidence in the future conduct of ministers, but on the present occasion he was disposed to take them at their word. If it was true that France was tired of the war and panted for peace, why did not ministers come down with a peace in their hands? If their boasts of improvement

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in our situation and of temporary success were founded, this was of all others the most favourable moment for negotiation. The empire could only be saved by peace, and it was of the utmost importance to preserve the empire entire. The French still kept possession of the German side of the Rhine, and the king of Prussia was to be dreaded. If peace were delayed, perhaps that wary monarch might avail himself of the circumstances of another campaign, and execute the projects, which he might possibly be meditating at this moment. In 1782, when a noble earl near him (lord Howe), had faced the combined fleets of France and Spain, so much to his own honour, and to the advantage of his country, the favourable opportunity was seized on, a negociation was instituted, by the means of which his majesty was enabled to come forward with that Speech, * which would remain a lasting glory to the annals of this country: so convinced was he of this, that no consideration upon earth could induce him to forego the share he had in these transactions. — If ministers wished ever so much to negociate for peace, they said, they could not, and asked with whom are we to treat? Let them ask the elector of Hanover. He had found parties to treat with, and so might they, if they chose it. The old story of the exhausted state of the French finances had been brought forward. He wished ministers had paid some attention to the finances of this country. He begged to know, if the taxes of this year had proved productive? For if they failed, all was over. To attempt to make an impression on St. Domingo was not easy. There was little chance indeed of doing it, and lord Chatham knew it so well, that he never would attempt it.—The language held out in the Speech, though rather more pacific than that of the last session, he was satisfied meant nothing more than a display of the dexterity of ministers in getting on with the war for another year. Last year, every thing was to be achieved by one decisive effort; now, the new order of things in France was relied on.—The depreciation of assignats about which the noble secretary of state said so much, was not of the consequence that he seemed to imagine. It was clear that he inclined to the old exploded idea, of money being the sinews of war—an idea contradicted by the best writers on the subject ancient and modern. What said Livy upon it? He told us of three things that constituted the sinews of war, good soldiers, good commanders, and good fortune, all of which the French possessed in an eminent degree. He therefore would oppose the opinion of Livy to that of general Montesquieu. Nothing in point of resources was beyond the reach of a revolutionary government, whereas regular governments had their limitations beyond which they could not go. The marquis ridiculed the idea of there being any difficulty in settling the ceremony of which country should send ambassadors to negociate. The French he was sure entertained no prejudices on so narrow a ground. God only knew, what might be the consequence of pursuing the present measures till the next session, and therefore the sooner the negociation was set on foot the better. There remained one great topic in the Speech, on which he had not touched; he meant the high price of corn. The poor were actually starving. He had heard a number of remedies proposed, but only one appeared to him at all feasible. The remedy to which he alluded was to increase the wages of the poor in proportion to the price of corn. It had been laid down, that a poor man could not maintain his family upon less than a bushel of wheat a week; the idea therefore was, that the price of a labouring man's wages should always be the amount of a price of a bushel of wheat. In Wiltshire, the price of labour was 7*s.* a week, whereas at present wheat was 14*s.* a bushel. In conversing with the poor on the subject, he had always endeavoured to make them easy, first by relieving them as far as he could, and next, by endeavouring to convince them that any attempts to procure relief by force would only add to the evil. In general he had succeeded, but there was one point which he found their understandings were not equal to, and that was, the bringing them to a sense that stopping the transit of corn, would only lead them into a scrape, and bring on new obstacles to their being relieved. All these distresses he must impute in a great measure, if not wholly, to the continuance of the war. The war also caused a dearth of other provisions; the poor, even in the midland and distant counties, could no longer supply themselves with bull beef, which they used to buy at 2*d*½ a pound,

* See Vol. 23, p. 204.

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all the cattle being bought up for government and driven to Portsmouth, there to be either slaughtered or shipped for the use of the army and navy. The restoration of peace was, in short, the only effectual remedy for all these grievances. Peace alone would restore that old English good humour, which the pressure of misery and want had for the present suspended. Upon these grounds the amendment should have his support.

The Earl of *Mansfield* said, he differed entirely from those noble lords who argued, that the scarcity of grain was produced by the war, unless they meant to assert, that the more people there were out of the country, consuming the grain of foreign powers, the greater the deficiency must be at home. He disapproved of the amendment. The moment the House adopted it, they would lay the axe to the root of negociation, and take away every possibility of peace. Even sir William Temple, if he were taken out of his grave, could not negociate peace under such an amendment. He never before heard that the not having money to pay large armies with, was the way to keep them faithful and steady. The noble marquis had asked, What said Livy? They had all read what Livy said on that subject; and he would ask noble lords whether they thought they could find a successful army without pay. He argued on the uncertainty of the actual situation of France, and declined giving any opinion as to the permanency of the new constitution. He conjured them not to proceed too far in this dark and starless night, but to wait the dawn of returning day. If the amendment was entertained by the House, it ought to be followed up by a motion for the removal of ministers.

The Earl of *Darnley* said, he had in the former periods of the war, given his support and confidence to ministers, because he thought it a necessary war, and dreaded the introduction of French principles; from those alarms he was now relieved, and did not wish to see obstinacy in any part of the House against concluding a peace. He had long disapproved of the expedition against France, and particularly the last business of Quiberon, and was determined to take the first opportunity of stating that opinion in public. He was not perfectly satisfied with the amendment, because it painted our situation much worse than it was; at the same time, there were parts of the address that he could not agree to. He knew not where to find our naval superiority since the glorious instance of the 1st of June last year, and as to our successes in the West Indies, he really did not know what they were.

Lord *Grenville* said, that when the present constitution of France should be actually accepted by the people, his majesty's ministers would have no objection to conclude a peace, on safe and honourable terms.

The Duke of *Grafton* said, that he approved highly of the amendment. It was wrong to call it stipultaing for negociation, when it was notorious that peace was absolutely necessary. This country, from a continuance of a ruinous war, conducted by the most distracted councils, was so shaken that nothing but peace could restore it. In this assertion he was fairly warranted by the accumulation of the national debt; for when the interest of that debt became equal to the rents, the country must be in an alarming situation indeed. The burthen of taxes, if no more were laid on, was immense. Many, he allowed, were judiciously chosen, but yet there were some that fell very heavy upon the poor: there were two, for instance, generally supposed to affect the rich only, but if examined, they would be found to bear upon the middle class, and those of very slender incomes; among others, the tax on wine, which had been carried, in his opinion, far too high. A country curate with 40*l.* a year, allowing only a gill of port wine a day, would have to pay 3*l.* of taxes; and from the tax on malt, a labouring peasant must pay the same sum of 3*l.* per annum, for his allowance of three pints of ale per day. In this situation, what had we to look at on the other side of the picture? Nothing but a prosperous and well protected commerce could enable this country to wade through the difficulties into which she was plunged. If it was said that our commerce had met with much protection during the present war, two recent captures would be a sufficient answer to the assertion. An immediate peace, every Englishman must wish to see carried into effect. He dreaded nothing more than the daily infringements upon the laws and constitution of the country, by the frequent introduction of military force, and he reminded the House of the noble exertions of chief justice Holt, who always recom-

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mended, and succeeded himself in quelling riots without calling in military force. Miserable indeed would be the state of that country in which the execution of the laws depended on the military! He advised ministers not to think too lightly of the opinion of the people. The American war ought to be a sufficient warning on that head. What must the people think of the enormous increase of sinecure places, pensions, and lucrative appointments? What must they think, when they see both men and money expended in a manner unprecedented? Spain, Prussia, and Hanover having concluded peace, where was the interest that England had in continuing the war? He was therefore decidedly for the amendment.

The Earl of *Lauderdale* said, that they had been witnesses that night to most extraordinary vindications on the part of the ministry. The noble secretary of state had forgotten all the pledges which he had last year given—all the promises he had made, and all the prospects he had held out. He forgot what mighty things the Emperor was to accomplish for us, in return for our loan—he forgot what Spain was to do—what Sardinia—what the German powers. He forgot all this, but he remembered exactly how many evils had been predicted, and because they had not been all fulfilled, our situation was improved; and this was the ground for the extraordinary satisfaction which his majesty had expressed. It was in vain that he endeavoured to discover the sources of this satisfaction. It could not be in our triumphs, for we had met only with disaster and defeat; nor could it be in the internal condition of this country, since the lamentable scarcity of provisions was most properly recommended by his majesty to the serious consideration of the House. Our naval superiority was made a subject of boast; and the noble secretary had said, that never in our history had this superiority been so decided. Did he forget the history of the year when his present majesty came to the throne, when in his Speech he said, that the small remnant of the French navy had been blocked up in their ports during the whole of the summer? It could not be said that this was the case now; very recent experience had shown the contrary, and the little protection given to our trade did not prove that our superiority had been directed with so much skill and vigour as to make it useful. Was it the conduct of our allies that had given satisfaction to his majesty? Was the conduct of the elector of Hanover satisfactory to the king of Great Britain, or was it in the situation of Corsica that he considered an improvement of our situation? It had been confidently asserted that our gaols for prisoners of war had been opened in order to recruit men for the late expedition to France: he would ask them where they had recruited M. de Puisaye, the commanding officer of that operation? They said they were not responsible for the horrid catastrophe of that expedition; on what principles they founded that assertion he knew not, for surely to select a man as a commander, who had never in any military service reached a higher rank than that of a captain, and to place him over a number of the most distinguished veterans, and to do this in opposition to all the remonstrances that were made by men of the first character, was an act for which ministers ought to be responsible. He had no confidence in the equivocal sort of promise which the present speech gave to the country. With the eternal theme of assignats he would not embarrass himself. The inferences drawn from their depreciation were, he believed, founded in false reasoning. If assignats were extinct, the French would not be beaten. The wealth of a nation consisted in three matters—their stock, their labour, and their soil. Say, that the first of these was extinguished, the two others would remain, and they had all seen what a people could accomplish with these two left, when the first was gone. America had given a memorable instance of it, and France had shown, in the last campaign, that the depreciation of her paper took nothing from her vigour, nor from her exertions. With regard to what the ministers now called a favourable crisis in France, it was a crisis as productive of blood as any of the periods of the revolution that went before it; and this led him to distrust their declarations. If all our hopes of peace depended on the success of the new constitution, he saw no prospect of a speedy termination to our calamities. The scarcity of corn every man must deeply lament, because every man must feel for the pinching distresses of the poor, but he greatly feared the evil could not be remedied by legislative means, and it was mischievous and dangerous to hold out any remedy for an evil without the certainty of its effect. It was only, in his

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mind, by a peace, that a speedy and sure remedy would be found for it. The imbecility of administration had been manifested in every department; it was therefore incumbent on their lordships to inquire into the mismanagement of our affairs. Even the conduct of the navy, with our boasted superiority, was not exempt from this uniform incapacity, a fact established past contradiction, by the mortifying event of our trade having suffered in two of our most opulent convoys. But ministers were actuated by such heterogeneous passions, that it was impossible to expect from them attention to the conduct of our national affairs. Some of them came into power, avowedly to watch the friends of Brissot in that House, and of course they had not time for other duties, He believed if an appeal were made to their own hearts, they could not one of them conscientiously declare that he had discharged his duty to his country.

Earl *Spencer* said, he did not deny that many unfavourable circumstances had happened in the course of the last campaign; yet he thought, upon the whole, our situation was not so bad as might have been expected. He had always been an advocate for a vigorous prosecution of the war; and if there was now a nearer prospect of attaining the chief object of it, a permanent and honourable peace, he should be blameable at such an important crisis to relax. Whatever is the prospect, it is the duty of ministers to maintain the character and dignity of the country, which would be sacrificed by the conditions suggested by the noble duke. What did the noble duke propose? That no other indemnity should be stipulated for than the tranquillity of the nation, or in other words, peace. Ministers, on the contrary, had always required an indemnity for the expenses of the war, and the people would consequently expect it from them. How, then, could they continue to insist upon indemnification, when, if the amendment be adopted, they must accept peace singly and separately from all other considerations, for the House would have declared they wished for no other?—With regard to the loss of two of our convoys, if, in the course of a war like the present, it should happen that traders are intercepted, no man could wonder at it; indeed it would be wonderful, if they were not. Some noble lords had said, that the loss of these traders, were owing to the expedition to the coast of France; but he assured them, that if the ships employed in that expedition had not been sent there, they would have been sent elsewhere, for they could not have been engaged upon the Mediterrannean station.—The noble earl had laid great stress on the selection of M. de Puisaye for that expedition. He requested the noble earl to recollect that M. de Puisaye had been at the head of a considerable party in France, whose object was the restoration of monarchy. Being the chief of that party, all communication with it from this country was through him. Without him there was a much less prospect of a junction with his party. It was true, that many persons had perished in that expedition; but it was a melancholy event which could not be avoided in war, and was attributable to another unfortunate cause.—He agreed with the noble earl, that it was both dangerous and mischievous to hold out any remedy for an evil without the certainty of its effect. He left noble lords to judge of the prudence of a positive assertion, that to accede to the amendment, was the only way to reduce the price of corn. Such a declaration certainly had a mischievous tendency.

The *Lord Chancellor* rose to say a few words on the subject of the high price of corn. He could not but be sorry that the noble marquis whose great weight in the country gave considerable authority to every thing he said, had mentioned the raising the wages of labouring men to the average price of a bushel of wheat per week, as a means of relief which met with his sanction. He next noticed what had fallen from the duke of Grafton respecting the hard situation of a country curate who could not afford himself a gill of wine, or a pint of ale a day, without being at the expense of 3*l.* per annum. The new duty on wine had certainly been created by the war, and it was one of the burthens which curates, if they chose to drink wine, must bear as well as the rest of his majesty's subjects; but it was to be recollected that wine was a luxury. With regard to the pint of ale, the argument was not applicable to the war, as no new tax had been imposed on malt or beer since the war commenced. With regard to the noble duke's expression, that the laws of the country were obliged to be executed by the military, there was no wish in government to call in the aid of the military, where the civil power had

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authority enough to preserve the peace, and put an end to outrage and disorder. The noble duke had certainly been mistaken in supposing that chief justice Holt had been the magistrate who quitted the bench to suppress the riot, when the meeting-houses were pulled down. In the first place, it was impossible, because Mr. Justice Holt had been in his grave some years. 2dly, because the riot occasioned by the mobs proceeding to pull down the meeting-houses was not quelled without the interference of the military; and lastly, because several of the rioters were tried and convicted for their conduct on that occasion.—He was very far from meaning to impute a similarity of sentiment between the noble marquis, the noble duke, and certain persons without doors, but he had read an account of the proceedings of a meeting held in a field near Copenhagen house, where many inflammatory harangues were addressed to the passions of the lower order of the people, and seditious papers and hand-bills circulated, which had obviously produced that degree of impression on ignorant and uninformed minds, to which the scandalous outrages in Westminster, yesterday, were to be attributed. In that account, it was not a little singular, that the three matters stated by the noble duke, and the noble marquis, in the course of the debate, had been discussed and much insisted upon. He was sure the noble duke and noble marquis did not mean to lend the weight of their rank and character to sanction the arguments of such a meeting; it was, therefore, much to be lamented, that it should have happened, that the doctrines of the political demagogues to whom he alluded, should have received, even accidentally, the countenance of so august and dignified an assembly as the House. The bad consequences of such meetings as that held lately in the fields near Islington, were so obvious, that it would be unnecessary for him to dwell upon them; it was enough to mention the absurdity of men haranguing about the decay of the national wealth in a situation in which they could not turn their heads round without seeing a rising village on every side of them, and dealing out phillippics on the subject of the general distress of the kingdom, under the very smoke of the brick kilns that were burning in order to furnish materials for the erection of new villages. His lordship said, he had the satisfaction to know that he was speaking at that moment in a British House of Lords, an assembly which it had, by a certain description of persons, been long since asserted, would not at that time be in existence. If the principles that the French had made it their boast to propagate throughout Europe, had not been early and effectually resisted, the privileges of every one of their lordships might ere this have been at an end, and Great Britain might have been made a scene of the same desolation and ruin that France had for some time presented. The fatal effects of building up government upon wild and idle theories had, by the example of the French been sufficiently shown; and he hoped it would serve as a useful lesson to posterity. In France we had seen what was termed the system of terror prevail in all its horrors. Faction had succeeded faction, and men, the most violent enemies to each other, by the convulsion of parties had on the sudden found themselves destined to death together, and met upon the same scaffold to expiate their perhaps equal, but differently directed crimes. Thus tyranny succeeded tyranny, and one despot and his partizans hastily followed another to their fate. These were the blessed effects of systems of government founded on what was called equality and the rights of man. The noble duke's amendment seemed to him to be highly objectionable, on account of the embarrassment it would create in the way of negociation for peace.

The Duke of *Norfolk* supported the amendment, because it distinctly said, that if the French would not agree to fair terms of peace, they would support the crown in carrying on the war. He owned the declaration of ministers that day, did not make the amendment so necessary as it would otherwise have been. He reminded the learned lord, that the French Revolution had originated not with the people, but with the government, in consequence of their extravagance and waste —a thing which ought to be a warning to all governments.

The Duke of *Bedford* said, that after the indulgence he had received, he would not animadvert on the various topics of the debate. The declaration of his majesty was not sufficiently precise; but that of the secretary of state that night, if he had taken down his words correctly, would satisfy him, and he should withdraw his amendment, if he understood the noble

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lord agreed to them. His words were—"That in case the constitution now offered to the people of France, and perhaps now adopted, should be found likely to establish itself in such a form as should secure a government likely to preserve the relations of peace and amity, his objections to treat with them would be entirely removed."

Lord *Grenville* said, he never would hold ambiguous language or deny what he had said in that House, he would therefore repeat his assertion, (which his lordship did); but to attempt to make the words of an individual peer in the debate, not taken down at the time, a ground of either making or withdrawing any motion, was so unparliamentary, that he would not consent to be placed in such a situation.

The Amendment was then withdrawn, and the Address agreed to.

The King's Answer to the Lords Address.] To the Address of the Lords his majesty returned this answer,

"My Lords;—I receive with the greatest pleasure this very loyal and dutiful address. The sense which you entertain of the present situation and prospect of affairs, and the assurances you give me of your support in that line of conduct which I have judged it necessary to pursue, must produce the best effects with a view to either of the alternatives to which the present crisis may lead. My exertions shall be unremittingly employed to maintain the honour and essential interest of my kingdoms, and promote the welfare and prosperity of my people."

Copies of the Treaties with Russia; the Emperor of Germany; and America.] Nov. 3. Mr. secretary Dundas presented Copies of the Treaties of Defensive Alliance with Russia, and the Emperor of Germany, and the Treaty of Commerce and Navigation with the United States of America: of which the following are translations:

Treaty of Defensive Alliance between His Britannic Majesty and the Empress of Russia. Signed at St. Petersburgh, the 18th of February, 1795.

In the name of the Most Holy Trinity;—His Britannic Majesty, and Her Majesty the Empress of all the Russias, animated with a desire equally sincere to strengthen more and more the ties of friendship and good understanding which so happily subsist between them and their respective monarchies, have thought that nothing would more effectually contribute to this salutary end than the conclusion of a treaty of defensive alliance, concerning which they should occupy themselves forthwith, and which should have for basis the stipulations of similar treaties which have already been heretofore concluded, and have made the objects of the most intimate union between the two empires. For this purpose their said majesties have named for their plenipotentiaries, that is to say, his Britannic majesty, the Sieur Charles Whitworth, his envoy extraordinary and minister plenipotentiary to her imperial majesty of all the Russias, knight of the order of the Bath; and her imperial majesty of all the Russias, the Sieur John Count Osterman, her vice chancellor, actual privy councillor, senator and knight of the orders of St. Andrew, of St. Alexander Newsky, Great Cross of that of St. Vladimir of the first class of St. Anne; the Sieur Alexander count of Bezborodko, her great master of the court, actual privy councillor, director general of the posts, and knight of the orders of St. Andrew, of St. Alexander Newsky, and Great Cross of that of St. Vladimir of the first class; and the Sieur Arcadi de Morcoff, privy councillor, member of the college of foreign affairs, knight of the order of St. Alexander Newsky, and Great Cross of that of St Vladimir of the first class: Who after having mutually exchanged their full powers, found to be in good and due form, have agreed upon the following articles:

Art. 1. There shall be a sincere and constant friendship between his Britannic majesty and her majesty the empress of all the Russias, their heirs and successors, and, in consequence of this intimate union, the high contracting parties shall have nothing more strongly at heart than to promote by all possible means their mutual interests, to avert from each other whatever might cause them any injury, damage or prejudice, and to maintain themselves reciprocally in the undisturbed possession of their dominions, rights, commerce and prerogatives whatsoever, by guaranteeing reciprocally for this purpose all their countries, dominions, and possessions, as well such as they actually possess, as those which they may require by treaty.

Art. 2. If notwithstanding the efforts which they shall employ by common consent in order to obtain this end, it should nevertheless happen that one of them should be attacked by sea or land, the other shall furnish him, immediately on the requisition being made, the succours stipulated by the following articles of this treaty.

Art. 3. His Britannic majesty and her imperial majesty of all the Russias, declare, however, that in contracting the present alliance, their intention is by no means to give offence thereby, or to injure any one, but that their sole intention is to provide by these engagements for their reciprocal advantage and se-

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curity, as well as for the re-establishment of peace, and for the maintenance of the general tranquillity of Europe, and above all that of the North.

Art. 4. As the two high contracting parties profess the same desire to render to each other their mutual succours as advantageous as possible, and as the natural force of Russia consists in land troops, whilst Great Britain can principally furnish ships of war, it is agreed upon, that if his Britannic majesty should be attacked or disturbed by any other power, and in whatever manner it might be, in the possession of his dominions and provinces, so that he should think it necessary to require the assistance of his ally, her imperial majesty of all the Russias shall send him immediately 10,000 infantry and 2,000 horse. If, on the other hand, her imperial majesty of all the Russias should find herself attacked or disturbed by any other power, and in whatever manner it my be, in the possession of her dominions and provinces, so that she should think it necessary to require the assistance of her ally, his Britannic majesty shall send her forthwith a squadron of twelve ships of war and of the line, carrying 708 guns, according to the following list; two ships of 74 guns, making together 148 guns, and the crews 960 men; six ships of 60 guns, making 360 guns, and the crews 2,400 men; four ships of 50 guns, making 200 guns, and the crews 1,200 men. In the whole twelve ships, 708 guns, and the crews 4,560 men. This squadron shall be properly equipped and armed for war. These succours shall be respectively sent to the places which shall be specified by the requiring party, and shall remain at his free disposal as long as hostilities shall last.

Art. 5. But if the nature of the attack were such, as that the party attacked should not find it to his interest to demand the effective succours, such as they have been stipulated for in the preceding article, in that case the two high contracting powers have resolved to change the said succour into a pecuniary subsidy; that is to say, if his Britannic majesty should be attacked, and should prefer pecuniary succours, her imperial majesty of all the Russias, after the requisition having been previously made, shall pay to him the sum of five hundred thousand roubles yearly, during the continuance of hostilities, to assist him to support the expenses of the war; and if her imperial majesty of all the Russias should be attacked, and should prefer pecuniary succours, his Britannic majesty shall furnish her with the same sum yearly, as long as hostilities shall last.

Art. 6 If the party required, after having furnished the succour stipulated in the fourth article of this treaty, should be himself attacked, so as to put him thereby under the necessity of recalling his troops for his own safety he shall be at liberty to do so, after having informed the requiring party thereof two months beforehand. In like manner, if the party required were himself at war at the time of the requisition, so that he should be obliged to retain near himself, for his own proper security and defence, the forces which he is bound to furnish to his ally in virtue of this treaty? in such case the party required shall be dispensed from furnishig the said succour so long as the said necessity shall last.

Art. 7. The Russian auxiliary troops shall be provided with field artillery, ammunition, and every thing of which they may stand in need in proportion to their number. They shall be paid and recruited annually by the requiring court. With regard to the ordinary rations and portions of provisions and forage, as well as quarters, they shall be furnished to them by the requiring court, the whole on the footing upon which his own troops are or shall be maintained in the field or in quarters.

Art. 8. In case the said Russian auxiliary troops required by his Britannic majesty should be obliged to march by land, and to traverse the dominions of any other powers, his Britannic majesty shall use his endeavours jointly with her imperial majesty of all the Russias to obtain for them a free passage, and shall supply them on their march with the necessary provisions and forage in the manner stipulated in the preceding article; and when they shall have to cross the sea, his Britannic majesty shall take upon himself either to transport them in his own ships, or to defray the expenses of their passage; the same is also to be understood as well with regard to the recruits which her imperial majesty will be obliged to send to her troops, as respecting their return to Russia whenever they shall either be sent back by his Britannic majesty, or recalled by her imperial majesty of all the Russias for her own defence, according to article 6, of this treaty. It is further agreed upon, that, in case of recalling or sending back the said troops, an adequate convoy of ships of war shall escort them for their security,

Art. 9. The commanding officer, whether of the auxiliary troops of her imperial majesty of all the Russias, or of the squadron which his Briannic majesty is to furnish Russia with, shall keep the command which has been intrusted to him; but the command in chief shall belong most certainly to him whom the requiring party shall appoint for that purpose under the restriction, however, that nothing of importance shall be undertaken that shall not have been before-hand regulated and determined upon in a council of war, in the presence of the general and commanding officers of the party required.

Art. 10. And, in order to prevent all disputes about rank, the requiring party shall give due notice of the officer to whom he will give the command in chief, whether of a fleet or of land forces; to the end that the party required may regulate in consequence the rank of him who shall have to command the auxiliary troops or ships.

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ART. 11. Moreover, these auxiliary forces shall have their own chaplains, and the entirely free exercise of their religion, and shall not be judged in whatever appertains to military service, otherwise than according to the laws and articles of war of their own sovereign. It shall likewise be permitted for the general and the rest of the auxiliary forces to keep up a free correspondence with their country, as well by letters as expresses.

ART. 12. The auxiliary forces on both sides shall be kept together as much as possible; and in order to avoid their being subjected to greater fatigue than the others, and to the end that there may be in every expedition and operation a perfect equality, the commander in chief shall be bound to observe on every occasion a just proportion, according to the force of the whole fleet or army.

ART. 13. The squadron which his Britannic majesty is to furnish by virtue of this alliance shall be admitted into all the ports of her imperial majesty of all the Russias, where it shall experience the most amicable treatment, and shall be provided with every thing which it may stand in need of, on paying the same price as the ships of her imperial majesty of all the Russias; and the said squadron shall be allowed to return every year to the ports of Great Britain as soon as the season will no longer permit it to keep the sea; but it is formally and from this time forward stipulated, that this squadron shall return every year to the Baltic sea about the beginning of the month of May, not to quit it again before the month of October, and that as often as the exigency of the treaty shall require it.

ART. 14. The requiring party, in claiming the succours stipulated by this treaty, shall point out at the same time to the required party, the place where he shall wish that it may, in the first instance, repair; and the said requiring party shall be at liberty to make use of the said succour during the whole time it shall be continued to him, in such manner and at such places as he shall judge to be most suitable for his service against the aggressor.

ART. 15. The conditions of this treaty of alliance shall not be applicable to the wars which may arise between her imperial majesty of all the Russias and the powers and people of Asia, respecting whom his Britannic majesty shall be dispensed with from furnishing the succours stipulated by the present treaty; excepting in the case of an attack made by any European power against the rights and possessions of her imperial majesty in whatever part of the world it may be. As also on the other hand her imperial majesty of all the Russias shall not be bound to furnish the succours stipulated by this same treaty in any case whatever, excepting that of an attack made by any European power against the rights and possessions of his Britannic majesty in whatever part of the world it may be.

ART. 16. It has been in like manner agreed upon, that, considering the great distance of places the troops which her imperial majesty of all the Russias will have to furnish by virtue of this alliance, for the defence of his Britannic majesty, shall not be sent to Spain, Portugal or Italy, and still less out of Europe.

ART. 17. If the succours stipulated in the 4th article of this treaty should not be sufficient, in that case the contracting parties reserve to themselves to make a further provision between themselves with respect to the additional succours which they should give to each other.

ART. 18. The requiring party shall make neither peace nor truce with the common enemy, without including the required party, to the end that the latter may not suffer any injury in consequence of the succours he shall have given to his ally.

ART. 19. The present defensive alliance shall in no way derogate from the treaties and alliances which the high contracting parties may have with other powers, inasmuch as the said treaties shall not be contrary to this, nor to the friendship and good understanding which they are resolved constantly to keep up between them.

ART. 20. If any other power would accede to this present alliance, their said majesties have agreed to concert together upon the admission of such power.

ART. 21. The two high contracting parties, desiring mutually and with eagerness to strengthen and consolidate as much as possible the friendship and union already happily subsisting between them, and to protect and extend the commerce between their respective subjects, promise to proceed, without delay, to the forming of a definitive arrangement of commerce.

ART. 22. As circumstances may make it necessary to make some change in the clauses of the present treaty, the high contracting parties have thought proper to fix the duration of it to eight years, counting from the day of exchanging the ratification; but before the expiration of the eighth year, it shall be renewed according to existing circumstances.

ART. 23. The present treaty of alliance shall be ratified, and the ratifications exchanged here, in the space of two months, or sooner if it can be done.

In witness whereof the above-mentioned ministers plenipotentiary on both sides have signed the present treaty, and have thereunto affixed the seal of their arms. Done at St. Petersburgh, this 7-18th of February, 1795.

(L. S.) CTE JEAN D'OSTERMAN.
(L. S.) ALEXANDER CTE DE BEZBORODKO.
(L. S.) ARCADI DE MORCOFF.

TREATY of Defensive Alliance betwen his Britannic Majesty and the Emperor of Germany. Signed at Vienna, the 20th of May, 1795.

His Majesty the Emperor, and his Majesty

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the King of Great Britain, being desirous to renew and to cement the ancient relations of friendship and intimacy between their crowns and their respective dominions, as well as to provide, in a solid and permanent manner, for their future safety, and for the general tranquillity of Europe, have determined in consequence of these salutary views, to proceed to the conclusion of a new treaty of alliance; and they have nominated for that purpose, viz. his majesty the emperor his actual privy councillor and minister for foreign affairs, baron de Thugut, commander of the order of St. Stephen, and his majesty the king of Great Britain, sir Morton Eden, one of his majesty's privy councillors, knight of the bath, envoy extraordinary and minister plenipotentiary of his said majesty at the court of Vienna; who, after having communicated to each other their respective full powers, have agreed upon the following articles:

ART. 1. There shall be between his imperial majesty and his Britannic majesty, their heirs and successors, and between all the respective dominions, provinces, and subjects of their said majesties, a perfect and sincere good understanding, friendship, and defensive alliance. The high contracting parties shall use all their endeavours for the maintenance of their common interests, and shall employ all the means in their power to defend and guaranty each other mutually against every hostile aggression.

ART. 2. The high contracting parties shall act in perfect concert in every thing which relates to the re-establishment and to the maintenance of general peace; and they shall employ all their efforts to prevent, by the means of friendly negociation, the attacks with which they may be threatened, either separately or conjointly.

ART. 3. In case either of the high contracting parties should be attacked, molested, or disturbed in the possession of its dominions, territories or cities whatsoever, or in the exercise of its rights, liberties, or franchises whereso-ever, and without any exception, the other will exert all its endeavours to succour its ally without delay, and in the manner hereinafter mentioned.

ART. 4. Their Imperial and Britannic majesties reciprocally guaranty to each other, and in the most express manner, all their dominions, territories, cities, rights, liberties, and franchises whatsoever, such as they at present possess, and such as they shall possess, at the conclusion of a general peace, made by their common agreement and consent, in conformity to their mutual engagements in that respect in the convention of the 30th of August 1793. And the case of this defensive alliance shall exist from the moment whenever either of the high contracting parties shall be disturbed, molested, or disquieted in the peaceable enjoyment of its dominions, territories, cities, rights, liberties or franchises whatsoever, according to the state of actual possession, and according to the state of possession which shall exist at the above-mentioned epoch.

ART. 5. The succours to be mutually furnished, in virtue of this treaty, shall consist in 20,000 infantry, and 6,000 cavalry, which shall be furnished in the space of two months after requisition made by the party attacked, and shall continue to be at its disposition during the whole course of the war in which it shall be engaged. These succours shall be paid and maintained by the power required, wherever its ally shall employ them; but the power requiring shall provide them with the necessary bread and forage upon the same footing with its own troops.—If the party requiring prefers, it may demand the succours to be furnished in money; and in that case the succours shall be computed at the following rate, that is to say; 10,000 Dutch florins per month for every thousand infantry, and 30,000 Dutch florins per month for every thousand cavalry. And this money shall be paid monthly, in equal portions, throughout the whole year.—If these succours should not suffice for the defence of the power requiring, the other party shall augment them according as the occasion shall require, and shall even succour its ally with its whole force, if the circumstances should render it necessary.

ART. 6. It is agreed that in consideration of the intimate alliance, established by this treaty between the two crowns, neither the one nor the other of the high contracting parties shall permit the vessels or merchandize belonging to its ally, or to the people or subjects of its ally, and which shall have been taken at sea by any ships of war or privateers whatsoever, belonging to enemies or rebels, to be brought into its harbours; nor any ship of war or privateer to be therein armed in any case or under any pretext whatsoever, in order to cruize against the ships and property of such ally, or of his subjects; nor that there be conveyed by its subjects, or in their ships, to the enemies of its ally, any provisions, or military or naval stores. For these ends, as often as it shall be required by either of the allies, the other shall be bound to renew express prohibitions, ordering all persons to conform themselves to this article, upon pain of exemplary punishment, in addition to the full restitution and satisfaction to be made to the injured parties.

ART. 7. If, notwithstanding the prohibitions and penalties above mentioned, any vessels of enemies or rebels should bring into the ports of either of the high contracting parties any prizes taken from the other, or from its subjects, the former shall oblige them to quit its ports in the space of twenty-four hours after their arrival, upon pain of seizure and confiscation; and the crews and passengers, or other prisoners, subjects of its ally, who shall have been brought into the said ports, shall, immediately after their arrival,

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be restored to their full liberty, with their ship and merchandize, without any delay or exception. And if any vessel whatsoever, after having been armed or equipped, wholly or partially, in the ports of either of the allies, should be employed in taking prizes, or in committing hostilities against the subjects of the other, such vessel, in case of its returning into the said ports, shall, at the requisition of the injured parties, be seized and confiscated for their benefit.—The high contracting parties do not intend that the stipulations in these two articles should derogate from the execution of anterior treaties actually existing with other powers; the high contracting parties not being, however, at liberty to form new engagements hereafter to the prejudice of the said stipulations.

Art. 6. Their Imperial and Britannic majesties engage to ratify the present treaty of alliance, and the ratifications thereof shall be exchanged in the space of six weeks, or sooner if it can done

In witness whereof we, the undersigned, being furnished with the full powers of their Imperial and Britannic majesties, have signed the present treaty in their names, and have caused the seals of our arms to be affixed thereto. Done at Vienna, the 20th day of May, 1795.

(L. S.) Morton Eden.

Separate Article.

In case the establishment, in general limited, of the land forces of Great Britain, should not permit his Britannic majesty to furnish, within the term specified, the succour in men stipulated by the 5th article of the present treaty of alliance, and that consequently his imperial majesty should be obliged to supply that succour by an equal number of other troops, to be taken into his pay, the confidence which the emperor reposes in the friendship and equity of the king of Great Britain leaves him no room to doubt but that his Britannic majesty will readily grant him an indemnification for the difference, which, according to a just valuation at the time, shall exist between the expenses of the taking into pay and subsistence of those troops, and the estimate in Dutch florins, which, in order to avoid every delay of discussion, has been adopted in the above-mentioned 5th article, in conformity to the estimate contained in ancient treaties.—This separate article, making part of the treaty of alliance, signed this day in the name of their Imperial and Britannic majesties, shall have the same force and validity as if it were inserted word for word in the said treaty of alliance.

Separate Article.

Their Imperial and Britannic majesties shall concert together upon the invitation to be given to her imperial majesty of all the Russias, in order to form, by the union of the three courts, in consequence of the intimate connexions which exist already between them, a system of triple alliance, proper for the re-establishment and maintenance in future of peace and general tranquillity in Europe.—This article shall have the same force as if it were inserted in the present treaty. [Signed as above.]

Treaty of Amity, Commerce, and Navigation, between his Britannic Majesty, and the United States of America. Signed at London, the 19th of Nov. 1794.

George the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburgh, Arch-treasurer and Prince Elector of the Holy Roman Empire, &c. To all and singular to whom these presents shall come, greeting: Whereas our right trusty and well-beloved counsellor, William Wyndham, baron Grenville of Wotton, our principal secretary of state for foreign affairs, &c. &c. did, on our part, together with the plenipotentiary of our good friends the United States of America, conclude and sign at London, on the 19th day of November, 1794, a treaty of amity, commerce, and navigation, between us and our said good friends: and whereas a certain additional article has, on the part of the said United States, been proposed to be annexed to the said treaty as a part thereof; to which addition we are willing to consent; the said treaty and additional article being in the words following:

Treaty.

His Britannic Majesty and the United States of America, being desirous, by a treaty of amity, commerce, and navigation, to terminate their differences in such a manner as, without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their plenipotentiaries, and given them full powers to treat of and conclude the said treaty; that is to say, his Britannic majesty has named, for his plenipotentiary, the right hon. William Wyndham, baron Grenville of Wotton, one of his majesty's privy council, and his majesty's principal secretary of state for foreign affairs; and the president of the said United States, by and with the advice and consent of the senate thereof, hath appointed for their plenipotentiary the hon. John Jay, chief justice of the said United States, and their envoy extraordinary to his majesty, who have agreed on and concluded the following articles:

Art. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between his Britannic majesty, his heirs and successors, and the United States of

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America; and between their respective countries, territories, cities, towns, and people, of every degree, without exception of persons or places.

Art. 2. His majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the 1st day of June, 1796, and all the proper measures shall in the interval be taken by concert between the government of the United States and his majesty's governor-general in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts; the United States, in the mean time, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein; they shall be at full liberty to remain there, or to remove withal or any part of their effects; and it shall also be free to them to sell their land, houses, or effects, or to retain the property thereof, at their discretion. Such of them as shall continue to reside within the said boundary lines shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the government thereof, but they shall be at full liberty to do so, if they think proper; and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects or his Britannic majesty, shall be considered as having elected to become citizens of the United States.

Art. 3. It is agreed, that it shall at all times be free to his majesty's subjects, and to the citizens of the United States, and also the Indians dwelling on either side of the said boundary line, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two parties on the continent of America (the country within the limit of the Hudson's-bay company only excepted) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood, that this article does not extend to the admission of vessels of the United States into the sea-ports, harbours, bays, or creeks of his majesty's said territories; nor into such parts of the rivers in his majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels trading *bonâ fide* between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect; nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is farther agreed, that all the ports and places on its eastern side, to which soever of the parties belonging, may freely be resorted to, and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of his majesty in Great Britain.—All goods and merchandize, whose importation into his majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by the citizens of the United States; and such goods and merchandize shall be subject to no higher or other duties than would be payable by his majesty's subjects on the importation of the same from Europe into the said territories. And, in like manner, all goods and merchandize, whose importation into the United States shall not be wholly prohibited, may freely, for the purpose of commerce, be carried into the same, in the manner aforesaid, by his majesty's subjects; and such goods and merchandize shall be subject to no higher or other duties than would be payable by the citizens of the United States on the importation of the same, in American vessels, into the Atlantic ports of the said states. And all goods not prohibited to be exported from the said territories respectively, may, in like manner, be carried out of the same by the two parties respectively, paying duty as aforesaid.—No duty of entry shall ever be levied, by either party, on peltries brought by land or inland navigation into the said territories respectively; nor shall the Indians, passing or repassing with their own proper goods and effects, of whatever nature, pay for the same any impost or duty whatever; but goods in bales, or other large packages unusual among Indians, shall not be considered as goods belonging *bonâ fide* to Indians.—No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the purpose of being immediately re-embarked and carried to some other place or places. But, as by this stipulation, it is only meant to secure to each party a free passage across the portages on both sides, it is agreed, that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same; and proper regulations may be established to prevent the possibility of any frauds in this respect.—As this article is intended to render, in a great degree, the local advantages of each party

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common to both, and thereby to promote a disposition favourable to friendship and good neighbourhood, it is agreed that the respective governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein

ART. 4. Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the lake of the woods, in the manner mentioned in the treaty of peace between his majesty and the United States; it is agreed, that measures shall be taken, in concert with his majesty's government in America, and the government of the United States, for making a joint survey of the said river, from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above mentioned, the two parties will thereupon proceed, by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points, to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

ART. 5. Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described, that question shall be referred to the final decision of commissioners, to be appointed in the following manner, viz.—One commissioner shall be named by his majesty, and one by the president of the United States, by and with the advice and consent of the senate thereof, and the said two commissioners shall agree, they shall each propose one person; and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners; and the three commissions so appointed shall be sworn impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them, on the part of the British government and of the United States. The said commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. The said commissioners shall, by a declaration under their hands and seals, decide what river is the river St. Croix intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration, and of the statement of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of his majesty and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective governments; and both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

ART. 6. Whereas it is alleged, by divers British merchants, and others his majesty's subjects, that debts to a considerable amount, which were *bona fide* contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments since the peace not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that, by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained; it is agreed that in all such cases where full compensation for such losses and damages cannot for whatever reason, be actually obtained, had and received by the said creditors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors; but it is distinctly understood that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors, or other causes as would equally have operated to produce such loss if the said impediments had not existed, nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission, of the claimant.

For the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed, and authorized to meet and act in manner following, viz. two of them shall be appointed by his majesty, two of them by the president of the United States by and with the advice and consent of the senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the commissioners named by the two parties shall respectively propose one person, and of the two names so proposed one shall be drawn by lot in the presence of the four original commissioners.

When the five commissioners thus appointed shall first meet, they shall, before they proceed to act respectively, take the following oath or affirmation, in the presence of each other, which oath or affirmation being so taken and duly attested, shall be entered on the record of their proceedings, viz. "I, A. B. one of the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce, and navigation, between his Bri-

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tannic majesty and the United States of America, do solemnly swear or affirm, that I will honestly, diligently, impartially, and carefully examine, and, to the best of my judgment according to justice and equity, decide all such complaints as under the said article shall be preferred to the said commissioners; and that I will forbear to act as a commissioner in any case in which I may be personally interested." Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commission, provided that one of the commissioners named on each side, and the fifth commissioner shall be present; and all decisions shall be made by the majority of the voices of the commissioners then present. Eighteen months from the day on which the said commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized in any particular cases, in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months, for any term not exceeding six months, after the expiration thereof. The said commissioners shall first meet at Philadelphia; but they shall have power to adjourn from place to place as they shall see cause. The said commissioners, in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions or books, or papers, or copies, or extracts thereof, every such deposition, book or paper, or copy or extract, being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said commissioners shall see cause to require or allow. The award of the said commissioners, or of any three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant: and the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places, as shall be awarded by the said commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said commissioners may be directed: provided always that no such payment shall be fixed by the said commissioners to take place sooner than twelve months, from the day of the exchange of the ratifications of this treaty.

ART. 7. Whereas complaints have been made by divers merchants and others, citizens of the United States, that, during the course of the war in which his majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property under colour of authority or commissions from his majesty; and that, from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had, and received by the ordinary course of judicial proceedings; it is agreed, that in all such cases where adequate compensation cannot, for whatever reason, be now actually obtained, had and received by the said merchants and others in the ordinary course of justice, full and complete compensation for the same will be made by the British government to the said complainants. But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimants.—That, for the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed and authorised to act in London, exactly in manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation *(mutatis mutandis)* the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said commissioners, or any such three of them as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the claimant; and his Britannic majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, in such place or places, and at such time or times, as shall be awarded by the same commissioners, and on condition of such releases or assignments to be given by the claimants, as by the said commissioners may be directed. And whereas certain merchants and others, his majesty's subjects, complain, that, in the course of the war, they have sustained loss and damage by reason of the capture of their vessels and merchandize taken within the limits and jurisdiction of the states, and brought into the ports of the same, or taken by vessels originally armed in ports of the said states. It is agreed, that in all such cases,

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where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, September 5, 1793 (a copy of which is annexed to this treaty) the complaints of the parties shall be, and hereby are referred to the commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said commissioners, and at the times and places in which such awards shall be specified; and on condition of such releases or assignments to be given by the claimants as in the said awards may be directed. And it is further agreed, that not only the now existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty shall be considered as being within the provisions intent and meaning of this article.

ART. 8. It is further agreed, that the commissioners mentioned in this and in the two preceding articles shall be respectively paid in such a manner as shall be agreed between the two parties; such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the commissioners. And in the case of death, sickness or necessary absence, the place of every such commissioner respectively shall be supplied in the same manner as such commissioner was first appointed, and the new commissioner shall take the same oath or affirmation, and do the same duties.

ART. 9. It is agreed, that British subjects, who now hold lands in the territories of the United States, and American citizens, who now hold lands in the dominions of his majesty, shall continue to hold them according to the nature and tenure of their respective states and titles therein; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives: and that, neither they, nor their heirs or assigns, shall, so far as may respect the said lands, and the legal remedies incident thereto, be regarded as aliens.

ART. 10. Neither the debts due from individuals of the one nation to individuals of the other, nor shares nor monies, which they may have in the public funds, or in the public or private banks, shall ever, in any event of war, or national differences, be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals having confidence in each other and in their respective governments should ever be destroyed or impaired by national authority, on account of national differences and discontents.

ART. 11. It is agreed between his majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner under the limitations, and on the conditions specified in the following articles.

ART. 12. His majesty consents, that it shall and may be lawful, during the time hereinafter limited for the citizens of the United States to carry to any of his majesty's islands and ports in the West Indies from the United States in their own vessels, not being above the burthen of seventy tons, any goods or merchandizes, being of the growth, manufacture or produce of the said states, which it is or may be lawful to carry to the said islands or ports from the said states in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage duties or charges than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges than shall be payable on the like articles, if imported there from the said states in British vessels.—And his majesty also consents that it shall be lawful for the said American citizens to purchase, load and carry away, in their said vessels, to the United States, from the said islands and ports, all such articles, being of the growth, manufacture, or produce of the said islands, as may now by law be carried from thence to the said states in British vessels, and subject only to the same duties and charges on exportation to which British vessels and their cargoes are, or shall be subject in similar circumstances: Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared, that during the continuance of this article, the United States will prohibit and restrain the carrying any melasses, sugar, coffee, cocoa or cotton, in American vessels, either from his majesty's islands or from the United States, to any part of the world, except the United States, reasonable sea stores excepted. Provided also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands into the United States, and to export from the United States to the said islands all articles whatever being of the growth, produce or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said states, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties or charges than shall be payable on the same articles, if so imported or exported in American vessels.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance

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of the war in which his majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace by which the same may be terminated. And it is farther agreed, that, at the expiration of the said term, the two contracting parties will endeavour farther to regulate their commerce in this respect, according to the situation in which his majesty may then find himself with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce And the said parties will then also renew their discussions, and endeavour to agree, whether in any or what cases neutral vessels shall protect enemy's property; and in what cases, provisions and other articles, not generally contraband, may become such. But in the mean time, their conduct towards each other in these respects shall be regulated by the articles herein after inserted on those subjects.

ART. 13 His majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted and hospitably received in all the sea-ports and harbours of the British territories in the East Indies And that the citizens of the said United States may freely carry on a trade between the said territories and the said United States in all articles, of which the importation or exportation respectively to or from the said territories shall not be entirely prohibited. Provided only, that it shall not be lawful for them, in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted into the said ports, no other or higher tonnage duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges on the importation or exportation of the cargoes of the said vessels than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen; and such regulations shall be adopted by both parties as shall, from time to time, be found necessary to enforce the due and faithful observance of this stipulation. It is also understood, that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said states to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British government established there; and if any transgression should be attempted against the regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America, in the same manner as against British subjects, or others transgressing the same rule And the citizens of the United States whenever they arrive in any port or harbour in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction of whatever nature established in such harbour, port, or place, according as the same may be; the citizens of the United States may also touch, for refreshment, at the island of St. Helena, but subject, in all respects, to such regulations as the British government may from time to time establish there.

ART. 14. There shall be between all the dominions of his majesty in Europe, and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time: also hire and possess houses and warehouses for the purposes of their commeree, and generally, the merchants and traders on each side shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries respectively.

ART. 15. It is agreed that no other or higher duties shall be paid by the ships or merchandize of the one party in the ports of the other, than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles, the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles, being of the growth, produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations. But the British government reserves to itself the right of imposing on American vessels in the British ports in Europe a tonnage duty equal to that which shall be payable by British vessels in the ports of America; and also such

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duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods when imported into the United States in British or in American vessels. The two parties agree to treat for the most exact equalization of the duties to the respective navigation of their subjects and people in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval it is agreed, that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

ART. 16. It shall be free for the two contracting parties respectively to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any consul shall act as such, he shall be in the usual forms approved and remitted by the party to whom he is sent; and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other their reasons for the same.—Either of the parties may except from the residence of consuls such particular places as such party shall judge proper to be excepted.

ART. 17. It is agreed, that in all cases where vessels shall be captured or detained, on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessel shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships.

ART. 18. In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or by sea, such as cannon, muskets, mortars, petards, bombs, granadoes, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horses, horse-furniture, holsters, belts, and, generally, all other implements of war; as all other timber for ship-building, tar or rosin, copper in sheets, sails, hemp and cordage, and generally, whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy. And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles, not generally contraband, may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might hence arise; It is farther agreed, that whenever any such articles so becoming contraband according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors or, in their default, the government under whose authority they act, shall pay to the masters or owners of such vessel the full value of all articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention. And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested; it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless, after notice, she shall again attempt to enter. But she shall be permitted to go to any port or place she may think proper; nor shall any vessel or goods of either party, that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

ART. 19. And that more abundant care be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be. For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said com-

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mander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling; or, if such ship be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries, which the said privateer, or officers or men, or any of them, may do or commit, during their cruize, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said commissions shall be revoked and annulled. It is also agreed, that whenever a judge of a court of admiralty of either of the parties shall pronounce sentence against any vessel, or goods or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel without the smallest delay, he paying all legal fees and demands for the same.

Art. 20. It is farther agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive protect, harbour, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences. And all their ships, with the goods or merchandizes taken by them, and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or the factors or agents duly deputed and authorized in writing by them (proper evidence being shown in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe or suspect that they had been piratically taken.

Art. 21. It is likewise agreed, that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party; nor shall the enemies of one of the paties be permitted to invite, or endeavour to enlist in the military service any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

Art. 22. It is expressly stipulated that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Art. 23. The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear; and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And his majesty consents, that in case an American vessel should, by stress of weather, danger from enemies, or other misfortunes, be reduced to the necessity of seeking shelter in any of his majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received, and permitted to refit, and to purchase at the market price such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be *bonâ fide* necessary to her being refitted; nor shall she be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the government of the place; nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

Art. 24. It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other prince or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

Art. 25. It shall be lawful for the ships of war and privateers, belonging to the said parties respectively, to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fee to the offices of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or seized; neither shall the searchers or other officers of those places visit such prizes (except for the purpose of preventing the carrying of any part of the

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cargo thereof on shore, in any manner contrary to the established laws of revenue, navigation, or commerce) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced, by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained, shall, however, be construed to operate contrary to the former and existing public treaties with other sovereigns or states. But the two parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article. Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers of their territories, by ships of war, or others having commission from any prince, republic, or state whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavours to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

Art. 26. If at any time a rupture should take place (which God forbid) between his Majesty and the United States, the merchants and others of each of the two nations residing in the dominions of the other, shall have the privilege of remaining and continuing their trade so long as they behave peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months, from the publication of the order, shall be allowed them for that purpose, to remove with their families, effects and property; but this favour shall not be extended to those who shall act contrary to the established laws; and for greater certainty it is declared, that such rupture shall not be deemed to exist while negociations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their rights, either to request the recall, or immediately to send home the ambassador or minister of the other; and that without prejudice to their mutual friendship and good understanding.

Art. 27. It is farther agreed, that his Majesty and the United States, on mutual requisitions by them respectively, or by their respective ministers, or officers authorized to make the same, will deliver up to justice all persons, who being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

Art. 28. It is agreed that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the 12th, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition: that whereas the said 12th article will expire, by the limitation therein contained, at the end of two years from the signing the preliminary or other articles of peace which shall terminate the present war in which his majesty is engaged; it is agreed, that proper measures shall by concert be taken for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head may by that time be perfected, and ready to take place. But if it should unfortunately happen, that his Majesty and the United States should not be able to agree on such new arrangements, in that case all the articles of this treaty, except the first ten, shall then cease and expire together.

Lastly, This treaty, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be binding and obligatory to his majesty, and on the said states, and shall be by them respectively executed and observed with punctuality, and the most sincere regard to good faith. And whereas it will be expedient, in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, cannot now be perfected, it is agreed, that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavour so to form them, as that they may conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to, and make a part of this treaty.—In faith whereof, we, the undersigned ministers plenipotentiary of his majesty the king of Great

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Britain and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms. Done at London, this 19th day of November, 1794.

GRENVILLE. (L. S)
JOHN JAY. (L. S.)

Sir; *Philadelphia, Sept.* 5, 1793.

I am honoured with your's of August 30th. Mine of the 7th of that month assured you, that measures were taking for excluding from all farther asylum in our ports vessels armed in them to cruize on nations with which we are at peace, and for the restoration of the prizes, the Lovely Lass, Prince William Henry, and the Jane, of Dublin; and that should the measures for restitution fail in their effect, the president considered it as incumbent on the United States to make compensation for the vessels.—We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation—Though we have no similar treaty with Great Britain, it was the opinion of the president, that we should use towards that nation the same rule, which, under this article, was to govern us with the other nations; and even to extend it to captures made on the high seas, and brought into our ports, if done by vessels which had been armed within them.—Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the president thought it incumbent on the United States to make compensation for them. And though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June, and before the date of that letter, yet, when the same forbearance had taken place, it was and is his opinion, that compensation would be equally due.—As to prizes made under the same circumstances, and brought in after the date of that letter, the president determined, that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other powers in the analogous case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any case shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the president would think compensation equally incumbent on the United States.—Instructions are given to the governors of the different states, to use all the means in their power for restoring prizes of this last description found within their ports; though they will of course take measures to be informed of them, and the general government has given them the aid of the Custom-house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information, as far as shall depend on yourself, or any person under your direction, in order that the governors may use the means in their power for making restitution.—Without knowledge of the capture they cannot restore it. It would always be best to give the notice to them directly; but any information which you shall be pleased to send to me also at any time shall be forwarded to them as quickly as distance will permit. Hence you will perceive, sir, that the president contemplates restitution or compensation in the cases before the 7th of August; and after that date, restitution, if it can be effected, by any means in our power: and that it will be important that you should substantiate the fact, that such prizes are in our ports or waters. Your list of the privateers illicitly armed in our ports, is, I believe, correct.—With respect to losses by detention, waste, or spoliation, sustained by vessels taken as before-mentioned, between the dates of June 5th and August 7th, it is proposed, as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo at the time of her capture, and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly to the collectors of the customs where the respective vessels are. I have the honour to be, &c.

(Signed) THOMAS JEFFERSON.

ADDITIONAL ARTICLE.—It is farther agreed between the said contracting parties, that the operation of so much of the 12th article of the said treaty as respects the trade which his said majesty thereby consents may be carried on between the United States and his islands in the West Indies, in the manner and on the terms and conditions therein specified, shall be suspended.—We therefore, by virtue of these presents, do approve and ratify the said treaty, together with the said additional article, as the same are respectively set forth in this instrument of ratification; promising and engaging our royal word, that we will faithfully and religiously perform all and singular the things agreed upon in this treaty, and that we will not suffer the same to be violated by any one, as far as lies in our power. For the greater testimony and validity whereof, we have caused our great seal to be affixed to these presents, which we have signed with our royal hand.

Given at our court at St. James's, the 28th

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day of October, 1795, in the 36th year of our reign. G. R.

[Here follows the Ratification of General Washington, president of the United States, dated Philadelphia, 14th of August, 1795.]

Debate in the Commons on the High Price of Corn.] Nov. 3. The House having resolved itself into a Committee to consider on the High Price of Corn,

Mr. *Pitt* said, that what he had chiefly in view at present was, to lay the foundation of a permanent inquiry into a matter of much pressing importance. As a previous step, he should propose the appointment of a committee to inquire into the present High Price of Corn. The measure which was to be proceeded in, upon this occasion, would, he hoped, be facilitated by the steps which government had already taken; at the same time, much would remain for the House itself to determine. Whatever remedy should be applied, care should be taken not to injure our commerce, manufactures, or agriculture. He would, first of all, propose some alteration in the law upon the subject; and, under the head of regulation, meant to bring in a bill for amending the law relative to the assize of bread. The necessity of this alteration was chiefly impressed upon his mind by the frequent communications to government from the chief magistrate of the city of London.—Another circumstance respecting bread, was extremely material to be considered, namely, a regard to that which was made of wheat of the first quality. As the law stood, the farmer had an interest in preventing its coming into consumption. This he should propose to remedy. A third consideration appeared to him of still greater importance. He trusted there would not be found any great inconvenience in introducing into general consumption not only bread made of wheat, but that which was mixed with other grain, in which, he was happy to learn, the harvest had been most abundant. Possibly, also, it might be made of Indian corn, a mode of remedy, which, he had reason to believe, might be successfully applied. From repeated experiments, he was enabled to state, that mixed bread of this and other kinds might be as wholesome, and as palatable, as any we had been accustomed to eat; and therefore, without inconvenience, it might be brought into general consumption. The law, he should have to propose, would include this useful substitute. A considerable quantity of the flour of wheat was employed in the making of starch. This, he apprehended, might be prevented in a better way than by prohibiting the making of starch. Articles not applicable to the food of man might be used in the making of starch: and thus a considerable reduction might be made in the consumption of wheat by this article. He also proposed to move for leave to bring in a bill to prevent obstruction in the transit of grain and other provisions within the kingdom. This, he trusted, would contribute, in a great degree, to the relief of the distress.—These were the principal measures which, in this stage of their proceeding, he thought it necessary to state. It might be asked, why he did not bring forward a bill to prevent the working of distilleries? He did not mean to deny that some advantages would be derived from stopping the distilleries: but it should be recollected, that they were already stopped until February, and, perhaps, that might give full time for inquiry. The first thing was, to ascertain whether bread of a mixed quality might not be usefully introduced into general consumption; whether rye, barley, oats, and potatoes, might not become greatly serviceable for that purpose; and, those considerations determined, it would be time enough to examine the propriety of stopping so great a source of revenue as the distilleries. Mr. Pitt then moved, "That a select Committee be appointed to take into consideration the present High Price of Corn, and to collect evidence relative thereto; and to report the same to the House."

Mr. *Lechmere* said, that the House could come to no effectual remedy for the evil, unless the causes of that evil were first ascertained. We had perhaps had as plentiful an harvest as the Great Author of all Blessings ever gave us; the poor man, nevertheless, who ploughed the earth which produced that plenty, was starving, or driven to very great distress indeed, and entirely unable to support his family. One of the great causes of the present distress, he took to be the monopoly of farms. The great farmer was enabled to raise an enormous quantity of corn. By his opulence he had it in his power to withhold corn from the public market, while the little farmer was compelled to sell it, be the market price what it might. It was notorious, that there

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were now farms occupied by one man which formerly supported twelve or fourteen industrious families. He did not know that the House could remedy that crying evil; but, if they could put a stop to the future progress of it, they would do away a very great mischief. Some of these farmers had long leases, with which the legislature could not perhaps interfere. The next great evil which he knew of was jobbing in corn. The jobbers in corn and horned cattle, were instruments of great oppression to the people. He spoke not of the corn dealer, for there was as much difference between him and a corn-jobber, as there was between a man who lends his money at 5 per cent. and an usurer. In order to prevent petty-fogging corn-dealers doing more mischief, he would propose that no man should be permitted to deal in that article without taking out a licence at a high price. In the part of the country he came from, the practice was, for the farmer to come to market with a small sample in a little bag. The corn-dealer says, "If your corn is all like this, I will buy it." The consequence was, that if a man came to market for a little corn, he was told, the farmer had sold the whole of it. He should therefore propose that the farmer should bring to market no less a sample than a bushel. If he was told, it was impossible to bring all the corn to market, he would answer, —Let a proper number of granaries be erected all over the kingdom, where corn may be sold as at a market, and for a market price: and where the poor man may at least have his bushel for his money, as well as the corn-dealer. The objection which had been made to this was, that there would be a difficulty in having the corn ground. To which he would answer, that a hand-mill would grind all the corn which a poor man could purchase.

Mr. *Fox* said, he did not rise to oppose the measure proposed by the minister that evening. On the contrary, he agreed with him in most of the provisions which he had stated. He thought many of them not only good, but, perhaps, better than any others which could be offered upon the same topics. He rose chiefly to make some general observations, which appeared to him to belong to the nature of the proceeding about to be entered upon. With respect to the assize of bread in London, the authority whence the regulation came, was of great weight, and, he believed, that some regulation would be proper. He could not, however, help fearing that the regulation proposed was not a regulation from which the distressed were likely to derive immediate benefit; because every regulation respecting bread, demanded that it should be taken up and founded on the most correct of all principles: consequently, the discussion of the subject would take up much time. Whether any fault was imputable to the farmer, he did not know; but, as far as he had heard, although it was never higher than at present, yet, according to the price of corn and meal, bread had not been higher than the proportion between meal and bread required it should be; therefore, he was afraid we were not likely to find an immediate remedy for the evil by this regulation in the assize of bread.—The right hon. gentleman had spoken of palatable and wholesome bread being to be made out of a mixture of different articles with wheat. He had no doubt but that this mixture, when it came into general consumption, would be advantageous in times of scarcity; but when gentlemen talked of palatable and wholesome bread, they should not talk of bread for themselves,—they should lay that out of their consideration. Bread of a mixture was, to him, as palatable, and, for aught he knew, as wholesome, as that which was made of the finest wheat; but that was not sufficient for the poor. It was to them an important thing that it should be nutritious, as well as palatable and wholesome. He wished the House to consider that point as it really was. Suppose, for instance, a fourth part of this bread should be made of potatoes, then that fourth of wheat would be saved in quantity; but this was not, to the poor, a saving of one-fourth, because the quality of the bread was so far inferior to that which was made wholly of wheat, and consequently, so far an abatement of nourishment, which must be made up by other food. In looking to the thing in this view, they ought to calculate upon a very different principle from that of allowing a saving of one-fourth.—But there is another point, as to the nature of the scarcity, which deserves attention. There are two sorts of scarcity, the one arising from a defective produce, and the other from an increased consumption; and it is extremely interesting to ascertain which of these has the most influence in producing the present scarcity. If this scarcity, and the consequent high price, were confined merely to the article

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of bread, it would then appear, with sufficient certainty, that it originated with the cause which had so much been insisted on, namely, the defective produce of the two last harvests. But, is bread the only article eminently dear? Has not the same advance of price taken place with respect to meat; and likewise with respect to the produce of dairy farms, on which the season cannot be supposed to have had any unfavourable influence? The price of butter is very nearly, on the average, as high as that of wheat: instead of nine-pence or ten-pence, as formerly, it is now sold at thirteen-pence per pound. But what affords the most striking proof, that the high price does not arise merely from the deficiency of the harvest, is, that with respect to barley, the produce of which is admitted, this season, to have been plentiful beyond example, a similar advance of price has taken place. —It is not, therefore, to one cause that we are to look as the sole source of the present evil. It proceeds from a variety of causes, complicated in their nature, and extensive in their operations. I do not ascribe this scarcity solely to the war, pernicious as it has been in its effects. I admit, even, that part of the causes to which it may be traced, may be connected with a certain state of prosperity of the country. The war certainly has had a most decided effect, so far as it has tended to increase the consumption, to diminish the production and to preclude the possibility of obtaining supplies, which might have been drawn from other quarters. But if there are other circumstances which have operated along with those arising from the war—if the evil has proceeded from many and complicated causes —nothing can be more mischievous than to ascribe it solely to one cause, and to proceed as if that were the fact. It is against this error that I most particularly wish to warn the committee in the course of their inquiries. If, from a mistaken view of the subject, they should be led to apply a remedy merely to a single cause, instead of producing that good which is the object of the discussion, they may give additional weight and force to the other causes, which have been instrumental in bringing about the evil.—There are some other particulars, on which the right hon. gentleman touched, to which I shall shortly advert. He admitted, that the declaration of an intention to continue the prohibition on the distilleries beyond the period now fixed by the act, might have some effect in lowering the price of provisions; but seemed to have some hesitation, whether it would be expedient or necessary, to adopt such a measure. Undoubtedly, if the measure is not intended to be adopted, no declaration ought to be made. But the objection of the right hon. gentleman seemed to be, that the continuance of the prohibition would have the effect of lessening the revenue. I certainly should consider whatever was so lost to the revenue, as well gained to the country, in point of the industry and morals of its inhabitants. Besides if this prohibition should occasion an increased importation of foreign spirits, the revenue would gain from the additional duty on these, with less danger to that class of the community, whose labours and whose virtues form the strength and security of the state. To protect their industry, and to guard their morals, is the first duty of a statesman, and the best interest of a nation. Narrow-sighted, indeed, and pernicious would be the policy of the minister, who sought to draw the sources of his revenue from their dissipation and intemperance, from the relaxation of their habits and the debasement of their character. I therefore can see no reason why the prohibition on the distilleries ought not to be continued, and, thinking as I do on the subject, the policy is obvious, of announcing that intention as speedily as possible.—An hon. gentleman has thrown out some ideas with respect to the state of agriculture. Much of what he said I highly approve. But though I admit the facts which he has stated, as well as the exigency of the crisis, I cannot agree with him as to the propriety of resorting to any system of coercion by way of remedy. I doubt whether such a remedy would be effectual; I fear it might increase the evil. Scope must always be left to the exertions of industry: attempt to fetter and you always destroy them. The proprietor must be allowed to let his land, the farmer to conduct his business and bring his grain to market, in the way which they find most convenient for their own interest. In the course of investigating the subject, I have found some of my friends to whose authority I pay great deference, who thought that the state of the country required coercive measures. I, however, have not been able to coincide with them in this opinion. The state of a country which calls for such measures,

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must be one nearly approaching to famine. Even then, their effect could only be temporary, and extorted by the exigency of the moment: they might last perhaps for a week or a fortnight, or a month, but then they must necessarily cease. I object to them, not merely because they are inefficient, but because they are, in themselves inconsistent with that just and liberal protection which ought to be afforded to industry, and with that wise and sound policy which best secures the interests of the public, by keeping up a spirit of competition in the market.—I have said thus much, not for the purpose of marking any disagreement of opinion with the right hon. gentleman, but in order to show the spirit with which I wish to enter upon the inquiry, and the necessity I feel of putting our shoulders to the task imposed upon us, and devising the best means of relief for this national calamity. Above all, I wish again to call the attention of the House to what I before urged —that it is not to any single cause that we are to look for the source of an evil so gradual in its progress, so extensive in its operation, and which has at last arrived at such a height, as no longer to brook any delay in the discussion. There are some who think that the price of labour has not kept pace with the increased price of provisions. I am afraid that this disproportion too much takes place in almost all the counties of England, and that while provisions have been rapidly rising to an unexampled height, labour has by no means advanced in proportion. It is, indeed, a melancholy and alarming fact, that the great majority of the people of England—an enormous and dreadful majority—are no longer in a situation in which they can boast that they live by the produce of their labour; and that it does regularly happen, during the pressure of every inclement season, that the industrious poor are obliged to depend for subsistence on the supplies afforded by the charity of the rich. I agree in opinion with those who think that the price of labour ought to be advanced, and the great majority of the people of England, freed from a precarious and degrading dependence. But I much question whether any compulsory measures ought to be adopted for this purpose. Disapproving, as I do, in every instance of coercion, excepting where it is called for by the last necessity, and justified by the occasion which gives it birth, I wish this salutary measure, of advancing the wages, to proceed, rather from the justice and humanity of the gentlemen in the different counties, than from the obligation of a legislative act. I recommend all those who have influence in the country, to countenance it by their example. At the same time I greatly fear that no alteration can take place in the present circumstances so material as completely to do away the evil. The disproportion is so immense, that I fear it will be found impossible either to raise the price of labour to the rate of provisions, or to lower the rate of provisions, so as to meet the price of labour. In this point of view, I deeply regret the continuance of those hardships, which are already but too sensibly felt by the lower classes of the community. At the same time, I anticipate the most beneficial consequences from the investigation about to be instituted. I trust that the information collected from different quarters will be found applicable to much practical utility, and productive of the most seasonable relief.

After a short conversation, the motion was agreed to.

Copies of the King's Proclamations respecting Seditious Meetings, &c.] Nov. 4. The following Proclamations were laid before both Houses:

"By the King—A Proclamation.

"George *R.*

"Whereas, on the 29th day of this instant month of October, divers persons riotously assembled and stationed in different places in our city of Westminster, proceeded to commit certain daring and highly criminal outrages, in gross violation of the public peace, to the actual danger of our royal person, and to the interruption of our passage to and from our parliament; we, therefore, with the advice of our privy council, in pursuance of an address from our two Houses of parliament, do hereby enjoin all magistrates, and all other our loving subjects, to use their utmost endeavours to discover and cause to be apprehended the authors, actors, and abettors concerned in such outrages, in order that they may be dealt with according to law; and we do hereby promise, that any person or persons, other than those actually concerned in doing any act by which our royal person was immediately endangered, who shall give information, so as that any of the authors, actors, or abettors concerned in such outrages as

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aforesaid, may be apprehended and brought to justice, shall receive a reward of 1,000*l*.. to be paid on conviction of every such offender; which said sum of 1,000*l*., the lords commissioners of our treasury are hereby required and directed to pay accordingly. And we do farther promise, that any person or persons concerned in such outrages as aforesaid, other than such as were actually concerned in any act by which our royal person was immediately endangered, who shall give information, so as that any of such authors, actors, or abettors, as aforesaid, shall be apprehended and brought to justice, shall, upon conviction of such offender or offenders, receive our most gracious pardon.

Given at our court at St James's, the 31st day of October, 1795, in the 36th year of our reign.

GOD SAVE THE KING.

"BY THE KING—A PROCLAMATION.

"GEORGE *R*

"Whereas it has been represented to us, that immediately before the opening of the present session of parliament, a great number of persons were collected in fields in the neighbourhood of the metropolis, by advertisements and hand-bills, and that divers inflammatory discourses were delivered to the persons so collected; and divers proceedings were had, tending to create groundless jealousy and discontent, and to endanger the public peace, and the quiet and safety of our faithful subjects: and whereas it hath been also represented to us, that divers seditious and treasonable papers have been lately distributed, tending to excite evil disposed persons to acts, endangering our royal person. And whereas such proceedings have been followed on the day on which the present session of parliament commenced by acts of tumult and violence, and by daring and highly criminal outrages, in direct violation of the public peace, to the immediate danger of our royal person, and to the interruption of our passage to and from our parliament. And whereas great uneasiness and anxiety hath been produced in the minds of our faithful subjects, by rumours and apprehensions, that seditious and unlawful assemblies are intended to be held by evil disposed persons; and that such other criminal practices, as aforesaid, are intended to be repeated: We therefore have thought fit, by and with the advice of our privy council, to enjoin and require, all justices of the peace, sheriffs, mayors, bailiffs, constables, and all other our loving subjects throughout our kingdom, to use the utmost diligence to discourage, prevent, and suppress all seditious and unlawful assemblies: and we do specially enjoin and command all our loving subjects, who shall have cause to suspect that any such assemblies are intended to be held in any part of our kingdom, to give the earliest information thereof to the magistrates of the several districts, within which it shall be suspected that the same are intended to be held; and if such assemblies shall nevertheless in any case be actually held, to be aiding and assisting, on being required thereto by the civil magistrate, in causing persons delivering inflammatory discourses in such assemblies, and other principal actors therein, to be forthwith apprehended, in order that they may be dealt with according to law. And we have also thought fit, by and with the advice aforesaid, to enjoin and require all justices of the peace, sheriffs, mayors bailiffs, constables, and all other our loving subjects, throughout our kingdom, to be in like manner aiding and assisting in bringing to justice all persons distributing such seditious and treasonable papers as aforesaid.

Given at our court at St. James's the 4th day of November, in the 36th year of our reign.

GOD SAVE THE KING.

Debates in the Lords on the Treasonable Practices Bill.] Nov 6. The order of the day being read for taking the King's Proclamations into consideration,

Lord *Grenville* said, that those proclamations, and the facts they stated, were to be considered as the ground-work of the bill which he proposed to submit to the consideration of their lordships. It was notorious that the evil the bill aimed to correct, had got to such a height, that not only seditious papers were diffused, but meetings were publicly held, at which discourses were delivered of a nature calculated to inflame the passions of the multitude industriously collected to hear them. To that was to be ascribed the outrage that had lately taken place. It was no longer the flimsy pretence of some imaginary grievance, or the slight pretext of a wish for a parliamentary reform, that could be set up as the motive for such meetings. That thin veil had been lately torn away, and in the face of broad day an

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attempt had been made directly on the person of the sovereign. The treasonable speeches and writings which had of late been so assiduously disseminated at public meetings, most particularly called for the interference of parliament. As one of the king's servants, indeed, he might say as a member of that House, he felt it an indispensable duty to endeavour to check their flagitious tendency. Upon reference to former periods, he had found precedents which showed what measures our ancestors had thought proper to pursue in similar situations with the present. The bill he should submit to their lordships was in a great measure copied from the act in the reign of queen Elizabeth, and the act of Charles 2nd, passed soon after the commencement of his reign; acts passed in approved times and applied to circumstances by no means dissimilar from the present. In the present bill there would be found no other variations from those acts, but such as existing circumstances rendered indispensably necessary. While he sincerely lamented the necessity of proposing any measure that might appear in the smallest degree harsh and severe; he appealed to their lordships whether that necessity was not obvious; at the same time he trusted, when the measure came to be discussed, he should be able to prove to the satisfaction of their lordships, that the bill did not exceed the occasion, or press unnecessarily on the constitutional liberty of the subject. His lordship concluded with offering to the House a bill intituled, "An act for the Safety and Preservation of his Majesty's person and government against treasonable and seditious practices and attempts."

The bill was read a first time. On the motion that it be printed,

The Earl of *Lauderdale* said, that when he had left the House the other night, he had left it in some degree comforted from having as he thought heard from the highest authority that there was an end to all apprehension of disloyalty, sedition, or treason. Let their lordships then guess what his surprise must have been on reading the proclamation, and how much that surprise must have been increased at hearing the bill that had just been read. After all they had done, ministers found themselves obliged to come forward with a measure ten times stronger than they had dared to do, at the moment of their greatest alarm. By the bill, a variety of new crimes and new treasons were introduced into the criminal code of the country; and by new framing the words and phrases to describe those crimes, the bill held out a total alteration of the existing laws respecting treason, and a most dangerous innovation upon the constitution. No connexion had been proved between the persons assembled in the fields near Islington, and those who had been guilty of the flagitious acts committed upon the person of their sovereign, in his way to his parliament. Was a proclamation a fit ground for an act of parliament, which was so direct an attack on the privileges of Englishmen? After such a bill passed, where would be the boasted constitution of the country? He could not suppress his astonishment that ministers should prefer precedents drawn from times infinitely more questionable than any that had passed since the Revolution. The bill spoke in language too plain to be misunderstood. From the moment it passed into a law every liberty and privilege of the subject would be done away. No public meeting could be held, however legal, necessary or useful. No meeting could be held with a view to petition parliament for the repeal of any law which they considered as a grievance. There was a clause in it reserving their rights and liberties to members of parliament; but that very reservation convinced him of the extent to which ministers meant to carry the law. In the old government of France there was nothing more despotic than what this bill went to create. It was the introduction of the system of terror into this country. Ministers having involved the country in a destructive war, now found that they must have recourse to extraordinary measures as the only means of continuing a war entered into against the sense of the people, and carried on at an expense so enormous. Another alarming circumstance was, that the bill was not brought in to check any specific or immediate danger, and was to continue during the life of the king, and even a session afterwards. The bill went to a total destruction of British liberty, and when it came to be compared in its future stages with those old laws of times that had been held up as precedents he was sure it would gain nothing by the comparison. His lordship concluded by pronouncing the bill one of the severest and most dangerous to the rights and liberties of the people that had ever been introduced.

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The Duke of *Bedford* did not now mean to enter into a discussion of the subject, but thought it by far too strong a measure He was convinced that while it was yet in their power to assemble, the people would meet and display a sense of this attack upon their liberties.

The Earl of *Radnor* said, he was not sure, that in the remarks he had to offer, he might not tread on delicate ground; but he would seriously recommend to the attention of government the statute of Edward 3d, which was the foundation of the law of treason in this country. It was an act expressly made to prevent constructive treasons, and provided, that only two species of crimes, which it defined, should be punished as such. It then proceeded to say, that if any other crime appeared, which the judges thought ought to be declared high treason, they should bring it before the parliament. He was of opinion that the attempt to convict the prisoners, in the late state prosecutions, was in direct violation of that act; and that, acting as a juryman upon that occasion, he would have acquitted every one of them, although he had believed every thing brought in evidence against them, and although every thing which chief justice Eyre stated to be treason, beyond the words of the statute, had been proved against them; and this upon the authority of the very statute on which the indictment was founded. He knew, indeed, that the greater part of the chief justice's direction, and the prosecutor's assertions, had long been held to be law; but he, in a capital case, would have acted upon no holding or construction of law, contrary to the plain words of the statute. He might be an odd man, but he believed there were many who entertained similar sentiments. He mentioned this in hopes the law might be amended. It was ridiculous in the extreme to have it high treason to kill the king, and not high treason to destroy the monarchy itself. The plea of not augmenting the list of treasons was a mere bugbear. A positive law ought, in his opinion to be made on the subject. As to the pending bill, from once hearing it, he had taken no alarm; but he did not pledge himself to support it.

Lord *Grenville* moved the second reading of the bill. He had already stated the grounds upon which this bill was brought in, and the circumstances were so notorious, that when all the facts were collected, he believed there would be no man in or out of that House who did not see the necessity of this measure. Could any of their lordships doubt that the outrages lately committed against his majesty's person had a connexion with measures pursued by a class of men, who were systematically undermining and endeavouring to destroy the constitution of the country? In the framing of the bill, the spirit of former times, and the best of times, had been consulted. That same spirit which dictated the treason laws of Edward 3d, was followed in framing the present law. The provisions it contained differed in no way from the acts which had been adopted as prudent and wise by their ancestors: there might be a few variations, but these were regulated by the difference of circumstances. The bill might be divided into two parts: the first for the safety and protection of his majesty's person; the other for the punishment of treasonable crimes against the state. On the first, he did not expect there would be any difference of opinion; and on the second, he asserted that there were no punishments created for crimes that were not already acknowledged to be so by the existing laws, excepting that it was intended by the present bill to include treasonable publications and discourse, as equally criminal and dangerous with the acts stated to be treason by the laws now in force. To devise or compass the king's death was already treason, and the whole of that part of the bill was grounded upon the solemn opinions of the best lawyers in this country. There could not be a doubt but such compassing or conspiring against the king's person and government as was specified in the bill, amounted to that degree of guilt which called for the most severe punishment, whether it amounted to levying civil war against the king, or encouraging foreign enemies, or by writing, printing, publishing, or even speaking, the effect of the crime was the same, and the punishment ought to be so likewise. The provisions of the bill had been made upon the same principles as the acts of queen Elizabeth and Charles 2nd, and were as similar as the circumstances of the present times would admit; and it having been found that difficulties sometimes arose in the construction of the acts now in force, it was intended by the variations from them in this bill, to ascertain precisely the meaning which was to be given to the whole of the treason laws. One alteration he meant to move when the bill

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came into the committee; it was to omit the clause against advisedly speaking, and that being done, there would remain nothing in the bill which was not already acknowledged by the existing laws to be treason. With regard to the clause respecting sedition, it did not interfere with the present laws, nor prohibit any acts or meetings which were now legal, but in some cases it provided a more adequate punishment according to the degree of crime than the existing laws, it having in many instances been found that though the crime was sufficiently proved, the law did not point out an adequate punishment. The remaining provisions of the bill were all of a nature favourable to the persons who might be accused. He then moved, "That the bill be now read a second time."

The Duke of *Bedford* said, that on the first part of the bill there could be no difference of opinion, as far as it related to the flagitious outrage committed against the sovereign: every man must reprobate such crimes, and earnestly wish to see them punished in an exemplary manner; at the same time, he saw nothing in the bill that tended to secure or protect his majesty's person more than what the existing laws provided for. The seeond part of the bill was founded upon the proclamation against certain meetings. Now, he would submit to the House, whether it was not inconsistent with their dignity to proceed to so solemn an act as the introduction of this extraordinary bill, without having before them proof of any sort, that the proceedings of those meetings had rendered such a strong measure necessary. When the same ministers had thought it proper to suspend the Habeas Corpus act, they did not dare to propose it without previously appointing a select committee, who reported to the House a mass of evidence which gave their proceedings at least an appearance of deliberation; whereas, in the present instance, they seemed to disregard all idea of deliberation, inquiry, or evidence, and merely because an abominable outrage had been committed on the first day of the session, they were to be satisfied that such dangerous consequences were likely to follow, as nothing but this strongest of all measures could possibly prevent. It was not enough that the noble lord should declare that he was satisfied on this point. Parliament ought to know the necessity of the measure before they adopted it. He wished the noble lord would explain in what respect the existing law, as far as it regarded the king's life, was defective, or wherein this bill was likely to amend it. He never thought that the noble lord would have so far forgotten what the nation owed to those who brought about the Revolution, as to speak of the reigns of Elizabeth and Charles 2nd as models for example. The noble lord ought to reflect on the events that followed those precedents. In queen Elizabeth's time, these laws were chiefly directed against bulls issued by the pope, and when the country was in a very distracted state, both from foreign and domestic foes; and in Charles 2nd's reign, these measures were adopted when he was just restored, after a twenty year's absence, and when such laws might be absolutely necessary for his protection. But how could a comparison be drawn between such times and the present? Even allowing that some bill was necessary for the greater protection of his majesty, there was nothing in this bill that could tend to that purpose. If it was a bill fit to be passed at all for that object, it ought to be a permanent one.

The Earl of *Lauderdale* said, that considering the magnitude and importance of the question, he did expect that some argument would have been offered in this stage of the bill, to convince the House of the necessity of such an extraordinary measure. The noble lord had confidently said, that no man doubted the fact, that the outrage upon the king was ascribeable to the meeting in the fields near Islington. He would tell the noble lord, that he doubted it, and that he did not believe there was the smallest connexion between the London Corresponding Society and the mob who committed the outrage in Westminster. The London Corresponding Society had no more to do with it than his majesty's cabinet. The cabinet were ten times more involved, because by their commencement of the war, and their mad continuance of it, they had reduced the lower order of people to the most abject distress. Was it to be wondered at, therefore, if some thirty or fifty infatuated individuals, in a mixed assembly of perhaps 100,000 should break out and vent their indignation in any manner that the irritation of the moment suggested? As far as was yet known, the assertions upon which the present measure was founded were so general, that no man could believe them upon such authority. The precedents in the reign of Charles 2nd

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did not apply at all to the present case. If they talked of precedents from better times, why had the noble lord chosen to pass over the first years of the reign of William 3rd? Had there then been no danger to the person of the sovereign, and the safety and security of the government? The acts passed in that reign would have been as good models to copy from as those in the reign of Charles the 2nd. He recurred to the statute of Edw. 3rd which at present was reckoned the best definition of the treason laws, and which he concluded was very different from the present bill. He compared the preamble of the bill with its contents, and denied that there was any thing in it applicable to any circumstances that were known to exist. That part of the bill concerning misdemeanors, struck him as infinitely more dangerous than the other; for where treason was the crime, and a man's life was at stake, both judges and juries acted with more hesitation, and of course the subject was better guarded and more safe, than when merely property or the personal liberty of the subject were at stake. The words of the second enacting clause, he considered as a libel on the times, in consequence of words being put in that were never before used; for instance, the word "constitution"—who could define the constitution in an act of parliament? Law and government could be defined, but he had good authority, from a pamphlet which he imagined was well known to ministers, to say, that the word constitution could not. From the wording of this clause, he must insist, that it created new crimes by new phrases. The word "people" came under the same uncertainty as constitution, and was not to be found in other acts. He still, however, conceived the reservation in favour of members of parliament to be the most dangerous innovation on the laws; and when laws were either strained to a degree of oppression, or new laws made totally subversive of the liberty of the subject, it must be expected, and would follow, that the people would resort to force. He was supported by great authorities in saying, that times and circumstances might be such as not only to justify, but to make resistance become a duty, and, in certain instances, he should feel himself compelled by a sense of duty to resist an act of parliament founded in tyranny and oppression, if prudence did not restrain him. He was much against parliament giving great latitude to judges by any new powers. There never had been an instance of either judges, or the legislature, stretching their proper functions, but it had been followed quickly by consequences of the most fatal tendency. He mentioned the case of the archbishop of Canterbury, in 1640, when it was held that an attack on a privy counsellor was levying war against the king. If the present bill was only one of a series about to be introduced, the prospect was truly alarming.

The Earl of *Mansfield* said, that, differing with the noble lord upon many of the topics which he had introduced into the discussion, he perfectly agreed with him in the observations on the danger of extraordinary powers vested in the executive government. He could not repose so much confidence in the integrity of any ministers as to confer an authority they might easily abuse, and in such a situation he would distrust even the noble lord's moderation. Yet it had ever been the practice in this country to accommodate the laws of treason to the circumstances which occurred, and to enact such regulations as the exigencies of the case required. Could their lordships forget the provisions adopted in the reign of William 3rd and queen Anne for the security of the Protestant succession? The periods from which the precedents were drawn, had been much insisted on, though he conceived that the present bill was in itself a wise and salutary measure, and had no need to be defended by example. He had, however, heard with surprise, the arguments maintained upon this head. Reprobated as the times of Charles 2nd had been, he would venture to say that they were good times. He asked, who was the minister at the era alluded to? It was the earl of Clarendon, whose attachment to the constitution, and whose distinguished virtues had contributed essentially to its preservation, and whose whole conduct exhibited a model which was worthy the imitation of every minister.—There were two points which it was important to consider: first, whether, in the existing circumstances, any legal provision were necessary, and whether that now proposed was proper to be adopted? He believed there was but one sentiment with regard to the outrage committed on his majesty; but it was their duty to guard against the renewal of such attempts. It had been said, that the statute

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of Edward 3rd was sufficient; but he considered this statute as furnishing too many evasions, and as liable to too much uncertainty, to be a suitable remedy for such an attack as had been made upon his majesty. The statute of Elizabeth had been justified by her situation: but he would remark, that the provisions it contained were copied into that of queen Anne. A denial of her right was declared to be high treason; and upon this act a person had been convicted and executed. In Charles 2nd's reign, he said, much of the leaven of republicanism remained. There were also Fifth Monarchy men, who indeed differed from the republicans of the present day, who wished for no king, as they adhered to the idea of a king of a certain description. On the second part, he justified the words "and constitution," which had been put into the clause. The people of this country had been accustomed to hold their constitution in the utmost veneration, and to prize the blessings it produced; and he hoped this sentiment in general was not impaired in consequence of the comparisons they had of late an opportunity to make. He said, that all the ill temper and ill blood which pervaded this country arose from the seditious publications with which it was inundated.

"Hoc fonte derivata clades,
In patriam, populumque fluxit."

The experience of every age and country had demonstrated the fatal effects of sedition. However men of sense might despise the gross publications so industriously circulated, it was a mistake to imagine that their grossness would form the antidote to their pernicious influence. It was easy when the cup was presented to the multitude to conceal the poison it contained. The most enormous crimes had been found to originate in the delusions which false principles had inspired, and the murderers of Henry 4th confessed, that they had been induced to perpetrate the crime by the doctrines they had imbibed. He cautioned the House against being lulled into security by the syren eloquence of the noble lord, and concluded with giving his hearty assent to the bill.

The Duke of *Norfolk* observed, that the doctrine of resistance was a principle inherent in the constitution, and it was to the exercise of that principle that the family of Brunswick owed their elevation to the throne. In every limited monarchy the right of resistance must necessarily exist; indeed, the very words "limited monarchy" proved it. To define the point at which the right should begin to be exercised, or even to discuss it without strong and urgent occasion, appeared to him to be highly improper. With regard to the present bill, the evidence their lordships had heard at their bar, on the first day of the session, certainly proved, that a most daring outrage had been committed upon his majesty; every one of their lordships, therefore, would heartily concur in taking immediate measures to mark their indignation at what had happened, and effectually to protect the person of his majesty from the possibility of such a circumstance again arising. So far, the measure had his concurrence; but he could not say that, from any thing he had heard, he was reconciled to the rest of the bill. When the attack upon his majesty was coupled with the proceedings of certain societies, he could not see the chain of reasoning that connected the two together. No proof whatever of such connexion had been adduced, and therefore he was not prepared to consent to the whole of the bill.

The Earl of *Abingdon* objected to the bill, as a violation of the constitution, and an unnecessary multiplication of the law of treasons.

The Duke of *Leeds* said, that his respect for the sacred person of his Majesty would induce him to consent to go into a committee with the bill, in hopes that it might be so qualified, as to be a sure protection to the king without violating the rights of the people. It was material for their lordships to weigh the bill most seriously, for there never was a measure more imminent in its consequences to the king and people.

The House divided: Contents, 56; Proxies 23. Not-Contents, 7; Proxy, 1. The bill was then read a second time.

List of the Minority.

Duke of Bedford,	Earl of Besborough,
Earl of Lauderdale,	Lord vis. St John,
Earl of Abingdon,	Proxy.
Lord vis Chedworth,	Earl of Guilford.
Earl of Derby,	

Nov. 11. The House being in a committee on the bill,

The Duke of *Leeds* moved an amendment on the second clause, that instead of the words "established government, or constitution," there should be inserted the words "established constitution, con-

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sisting of King, Lords, and Commons." There were many persons, who, while they professed the greatest attachment to the constitution, indulged themselves in the most virulent invectives against its component parts; so that his intention was, to mark an attack against any one of the branches, as equally coming under the description of an offence against the constitution.

The *Lord Chancellor* was inclined to think, that the amendment would tend to create that very confusion which it was intended to prevent. If these words were inserted, it would be necessary, in framing an indictment upon this bill, to introduce the very words of it, and to say, that such an act was done, or word spoken, with intent to destroy, &c. the constitution, consisting of King, Lords, and Commons. Now, would it not be very easy, if the law stood so, to write a most atrocious libel with impunity? For instance, a person might write thus, "The constitution of England consists of King, Lords, and Commons; but I do not like an hereditary monarchy; it is an absurdity. I think an hereditary House of Lords still worse; and I think the Commons should be chosen in a very different manner. I would have an elective monarchy, and the dignity of peerage should be granted only for life, or for a session of parliament." Here was an instance of a man admitting the constitution, as consisting of King, Lords, and Commons, and yet destroying the very foundations of the constitution.

Lord *Thurlow* said, it was difficult to define, with logical accuracy, the terms government and constitution. He reprobated with great severity the attempt to vilify or degrade the person of his majesty, which he reckoned a subject too sacred for petulant and wanton attacks: but he considered the operation of the penal enactment of this clause as too severe in many cases to which it might be applied. Was it a matter of such criminality as that to which he had alluded, to say that it was an abuse that twenty acres of land below Old Sarum Hill should send two representatives to parliament? Yet, this might be represented as tending to create a dislike of the established constitution, since under it such a case existed. He was decidedly of opinion that the present laws of the country were fully adequate to the punishment and restraint of the crimes which this clause was meant to embrace. It was not from the want of proper laws that dangerous principles had been disseminated, and had assumed a threatening aspect, but because those laws had not been employed by the executive power to remedy the evil, and to punish the offenders. New acts and severe penalties he thought little calculated to attain the object proposed. He was convinced in his own mind, that severe penal laws never conduce to the safety of a prince, or the preservation of any constitution. A jury would be inclined to acquit a person prosecuted under the penalties of this bill, who was guilty of the facts in the indictment, rather than expose him to transportation to Botany-Bay for seven years. It was by accommodating the severity of punishment to the magnitude of the offence, and by properly exercising the moderate penalties of the laws, in every case which occurred, that crimes were to be restrained. In adverting to the succeeding clause of the bill, which places the power of prosecution at the discretion of ministers, he observed, that though he would not suspect that the present administration could convert to an improper use any authority with which they might be invested, there was much danger that in future it might be misapplied. The minister might choose to protect one culprit, while he launched the whole vengeance of the law upon another. He might even employ, for sinister purposes, creatures to commit trespasses under this bill, from the punishment of which he might wish to shield them.

The *Lord Chancellor* was surprised at the opinion which the learned lord had expressed. The magnitude of the crimes against which this clause was directed, must be obvious to every noble lord who read the publications which the press teemed with. They aimed at the subversion of every part of the constitution. They taught the people that royalty was a usurpation of their rights, and aristocracy a nuisance to which they should not submit. They laboured to persuade them that they had no political existence, that they were slaves, and that they ought to assert their importance, and menaced the same evils which this country had once experienced, and of which a neighbouring nation afforded a distinct example. Were such enormities too rigorously punished by the penalties of this bill?

The Bishop of *Rochester* spoke in favour of the clause, and of every part of

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the bill, without going into any abstract questions about the borough of Old Sarum, or any other place. He conceived the bill to be necessary, because any attack against either of the three branches of the legislature was equally dangerous and criminal, and if ministers did any thing that was wrong, they were responsible for what they did.

The Amendment was negatived.

The Duke of *Leeds* suggested, that there obviously was a degree in all acts of sedition, and from the difference of circumstances some were less criminal than others; it would, therefore, be proper to alter the penal part of the clause, and instead of adjudging transportation for seven years for all convictions of high misdemeanours under the act, to leave the punishment to the discretion of the court.

Lord *Grenville* admitted the propriety of the proposed amendment; and after some farther conversation it was modified.

The Duke of *Bedford* could not let the clause pass without giving it his decided opposition. He looked upon it as a daring attack and flagitious outrage on the liberty of the subject, and felt as a man that might incur the penalty in making this declaration. He then adverted to the observations of a noble prelate, and in contradiction to him, said, he must regard every borough as a component part of the House of Commons, and every law a component part of the constitution. Otherwise a man might first write or speak against the representation of the borough of Old Sarum with impunity, and so go on singly, from borough to borough, and from county to county, till he had shown that the whole system of the representation of the House of Commons was corrupt.

The Bishop of *Rochester* thanked the noble duke for the honour he had done him in noticing what he said, and in order to explain his meaning more fully, repeated his argument respecting the borough of Old Sarum, declaring, at the same time, that he concurred with the noble duke that, if any person were so to proceed through the whole state of the representation of the House of Commons, or through all the laws and statutes of the country, as to suggest a general conclusion, that the government was corrupt, he would incur the penalties of this bill. Common speculative and philosophical disquisitions, however, might be still written and published, though he always thought they did more harm than good; for the bill was merely directed against those idle and seditious public meetings for the discussion of the laws where the people were not competent to decide upon them. In fact, he did not know what the mass of the people in any country had to do with the laws but to obey them, with the reserve of their undoubted right to petition against any particular law, as a grievance on a particular description of people.

The Earl of *Lauderdale* said, a short speech required a short answer. He should have supposed the noble prelate had been educated in a foreign country, and not in England, when he declared that he did not know what the people had to do with the laws, but to obey them. If he had been in Turkey, and had heard such a declaration from the mouth of a Mufti, he should have attributed it to his ignorance, the despotic government of his country, or the bias of his religious opinions; but to hear a British prelate, in a British house of parliament, declare that he did not know what the people had to do with the laws but to obey them, filled him with wonder and astonishment.

The Committee divided on the clause: Contents, 45; Not-contents, 3.

Nov. 13. The Bill was read a third time. On the motion, that it do pass,

The Duke of *Bedford* said, that after the ample discussion the bill had undergone, it was not his wish to occupy their lordships time, by going over the grounds of objection that had already been taken to it. He felt, however, so great a depression of spirits, and found himself so overwhelmed with anxiety of mind, when he contemplated the measure in question, that he was impelled to oppose the bill through every stage of it, and would endeavour, by one more effort, to impress their lordships with the sentiments he entertained on the subject. I conceive, said his grace this measure to be, not merely an extension of the criminal law, but a stab to the constitution, and an attempt to strike at the foundation of the liberties of Englishmen. I shall therefore shortly advert to the reasons by which this measure is supported, and the arguments by which these reasons are enforced. I ought to say reason, for one only has been assigned, namely, the outrage against his majesty. This outrage we all equally lament: the sentiments of regret and abhorrence which

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we felt on the occasion, we have stated in our address to his majesty, and requested him to take all possible means to discover and punish the authors. How, then, can this bill operate, with respect to that outrage? It is stated, that its object is, to render the person of his majesty more secure. No doubt we would all cheerfully concur in any measure, which might tend to the greater security of his majesty's person. But how can the person of his majesty be rendered more secure? Does it not already possess all the guard which it can derive from the reverence of office, and the enactments of law? An attempt has been made to connect the outrage against his majesty, with the proceedings of certain meetings, where seditious doctrines are said to have been delivered. To this I have only to answer, that to the proceedings of those meetings we cannot legislatively refer; they are not before us in any shape upon which we can act. I may be told that the notoriety of these proceedings, are sufficient grounds upon which we may go on the present occasion. But it has not been proved, that their proceedings were of the nature which has been described; much less has it been made out, that there existed any connexion between those proceedings and the outrage against his majesty. But not only is there this absence of proof, which should preclude us from taking any steps on the subject; in the conduct of ministers there are positive circumstances which give room for suspicion that they do not believe their own assertion. If the proceedings of those meetings were of that notoriety which has been described; if their tendency went to those objects which has been imputed to them; if the tenor of their discourses was calculated to alienate the affections of those present from his majesty, and incite their minds to dislike and hatred of the constitution, are there not laws already existing to repress those meetings, and to punish the authors of those discourses? I must, therefore, contend, that ministers were guilty of a most shameful breach of their duty, if they neglected to enforce those laws, and allowed the meetings to go on, while they were aware of their dangerous tendency. Ought they not rather to have repressed their progress by those means which the constitution has put into their hands, than now, by a new law, to seek to take away the lives of those, whom by their neglect, they suffered to advance to that pitch of criminality, which they now contend, renders an alteration of the constitution necessary? I have therefore a right to infer, either that ministers were guilty of a most scandalous breach of duty, or that they do not believe their own assertion, when they impute to the meetings the seditious proceedings and the dangerous tendency, which they have made the pretext for the present measure. Such, then, being the only reason which has been urged in support of this bill, it remains with your lordships to decide whether it is of that weight and authority, which ought to influence you to sanction the passing of a new law, so serious in its nature, and so alarming in its probable consequences.—It was a mistaken idea, that the severity of the law was the best protection of a government. It was common for noble lords to go to France for their examples, nor would he there decline to meet them. He would confess that the French revolution was the most sanguinary and calamitous which the history of mankind ever exhibited; but he would tell their lordships how this disastrous revolution was produced. It was not effected by the harangues of field preachers, or the discussions of political clubs; it was by the profligate manners of a licentious court, which sanctioned by its example, and extended by its influence, a contempt of morals and of decency; a corrupt and unprincipled succession of ministers, who involved the nation in an unjust and unnecessary war—who squandered the resources, and irretrievably ruined the finances of a flourishing nation—who stretched the severity of the law beyond the sufferance of human nature. It was by these causes that the old government of France forfeited the attachment and the support of the people. In this country, the personal virtues of the monarch constitute a marked difference, the amiable character of the king may banish the licentious immorality of a French court. In the constitution of the cabinet, and the measures of corrupt and wicked ministers, will be found the conduct that contributed to the fall of the French monarchy: a war undertaken and obstinately prosecuted, without regard to the interest or to the wishes of the people of this country; new places created, and rewards bestowed upon the partizans of their corrupt system; and pensions of almost unparalleled profusion lavished upon the avowed advo-

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cates of economy; nay upon the very man who distinguished himself at one time as the advocate of rigid economy, but whose conduct, and whose writings had, in an eminent degree, contributed to create and continue the war, and to cause all its consequent enormous expenses. Though happily the finances of this nation have not yet reached that pitch of confusion which hastened the destruction of the French government, how long can that system of prodigality be maintained; or how will a similar catastrophe be avoided? And will severe measures or daring encroachments upon the liberties of the people prevent their dissatisfaction? Gracious God! that any set of men could think such measures could enliven the hopes, or cheer the despair of a starving people. Such attempts may silence the voice of complaint, but they cannot reach the mind that will brood over the injustice; they may restrain and fetter the actions of men, but cannot make them love the constitution, or reconcile them to the government.

Lord *Grenville* said, the noble duke had set out with despairing of advancing much new argument against the bill, and he certainly had urged little or none. He had relied chiefly on denying that he had any parliamentary knowledge of the proceedings of certain societies, and had asked if their lordships knew any thing of them in their character of legislators? To this he must answer again, that the matter was too notorious to be doubted, and, instead of making a question of that, he would ask another. Could any man exist in this metropolis who did not know it? Was the subject brought before their lordships now for the first time? It had been before them long, and debated over and over again; they had on their table a voluminous body of evidence not attempted to be denied or refuted. Had noble lords really forgotten the reports of a committee of their lordships, and the resolution the House had come to in consequence. Parties were afterwards prosecuted; and yet the proceedings of the London Corresponding Society were carried on with increased boldness. No longer ago than the preceding day there had been a proof of this. These proceedings were inconsistent with the public tranquillity, and ought to be suppressed. The present law was notoriously insufficient. Upon that conviction their lordships had entertained this bill. The noble had duke asked, what proof was there of the connexion between the proceedings at the meetings alluded to and the outrage which was offered to his majesty? The answer was, the dangerous doctrines held forth at such meetings tended to inflame the minds of the infatuated multitude. The bill created no new crimes, nor did it constitute any new treasons; it only altered the punishment applied to both under the existing laws. The noble duke had alluded to the French revolution. He had stated, that that revolution arose not out of clubs and public meetings, but from a form of government in itself bad, and from the heedless waste of the finances of the country by a profligate administration. That the French revolution was owing to a government in itself bad he was ready to admit. He would admit also, that the dissolute manners of the court, and the wasteful expenditure of the public money were undoubtedly the chief causes of that revolution; a revolution so far from being deprecated by the government of this country, was regarded by them in a favourable point of view, as it afforded a prospect of increasing the felicity of a great nation, and of contributing to the continuance of the tranquillity which then subsisted throughout Europe. So far it was a revolution that every good man must approve; he had long wished it a happy termination; and happy would it have been had it proceeded on the principle with which it set out. But what brought on all the plunders, assassinations, blood, and horror, which afterwards desolated France, was the system maintained by clubs and various public meetings which took place. Political assemblies it was well known, had been held in England which openly professed to imitate the clubs in France. Their publications, their doctrines, and the principles they avowed were similar, and similar consequences were to be apprehended and guarded against. If they were suffered to continue scattering firebrands where there was much combustible matter, their lordships and his majesty's ministers would have to answer to themselves and to their country for the effects that might follow.

The Earl of *Lauderdale* said, that the noble secretary of state had complained that the doctrines held and the publications circulated by these meetings necessarily led to endanger the king's life, and

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therefore the bill had been brought in to check the progress of such proceedings, and the better to secure his majesty's person. It was thus ministers had always acted. They always alleged danger to the state, as a pretext for extending their own power, instead of using the power which they already had with vigour and energy. He was willing to admit that discontent among the people did exist in a considerable degree, but he must contend that it was not from disloyalty that these complaints came. It was from the conduct of his majesty's advisers; and under that view of the subject, he would say, it would be strange indeed if the people did not complain. He would go farther; he would say they ought to meet, and energetically oppose this bill. In order to strengthen their own hands and set control at defiance, ministers had made use of the infamous attack on his majesty, to introduce bills which went to destroy the liberties of the subject. If the bill passed, the most valuable part of the constitution would be gone. Enough might, indeed, be left of it to enable ministers to swell their speeches with pompous epithets upon its excellence, but nothing to swell the heart of an honest Englishman with pride and joy. Instead of endeavouring to correct their errors, ministers manifested a disposition to silence the people who complained of them. Was it wonderful that the people should complain? They were insulted by seeing the most shameful negligence of their interests, by seeing ministers attempting to make it criminal to complain, by seeing the most profligate waste of the public money, by seeing the most provoking insults offered to them, in the vast sums that were lavished upon courtiers, and court dependents; by seeing pensions granted daily to postates; a pension, for instance, and a large one too, to a man who was once the champion of economy, but whose chief merits with ministers were that of having attacked the principles of freedom and contributed very considerably to involve us in the present war. Mr. Burke, the man he meant (for why should he not name him), was to have an enormous pension for endeavouring to inculcate doctrines, that tended to extinguish the principles of freedom. It was upon this idea of the success such doctrines had met with in a certain quarter, no doubt, that a right reverend prelate had founded his political creed, and thought proper to declare, that the mass of the people had nothing to do with the laws but to obey them. [Here the bishop of Rochester cried Hear, hear!]—He heard the vociferation of the learned prelate. He believed he was the only man in the House who could have used it: he believed that no temporal lord could have soared so high. Be that as it might, there could be no doubt but that ministers must have relished it extremely, because it exactly fell in with their own principles. Indeed it was not wonderful that the reverend prelate should have expressed himself so boldly, as it was always remarked by those who were best acquainted with the human character, that converts were the most violent, and the most prone to run into extremes. The learned prelate was willing to atone in parliament for his conduct before his voice could be heard in it. He had formerly entertained different sentiments; he had attended, as he understood, a meeting that was held in the Borough some years ago for the purpose of obtaining a parliamentary reform, but the opinions of bishops as well as of other men changed with circumstances, and therefore the right reverend prelate could do no less than read his recantation. The right reverent prelate had, however, not very improperly, at the same time confessed his ignorance of law. Indeed, without any thing more than a general knowledge of law, and some acquaintance with political treatises, he might have learnt that the people had something else to do with the laws than merely to obey them; that they had a right to discuss their propriety, to consider their justice, and when they felt them oppressive to petition against them, to complain of them as grievances, and to pray the parliament to repeal them. These were acknowledged constitutional doctrines, doctrines laid down by every writer of authority on the constitution, in almost every reign of our history. The reverend prelate appeared, however, to have made a convert of the noble secretary, whos ideas of the rights of the people, pretty much corresponded with those of the reverend prelate. What did the noble secretary mean by stigmatizing with every term of reproach a peaceable assembly, convened for the purpose of considering a bill, which they regarded as an infringement of their just and lawful privileges? Was there ever a common turnpike bill brought into parliament without being discussed in some meeting, more or less numerous, ac-

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cording to its importance? If the privilege of political discussion was allowed on matters of trivial concern, how much more ought it to be permitted on subjects of general interest? The ministers might go on for a time in the ruinous measures which they have adopted, but he warned them of the danger of driving a once free and high spirited people, to those rash and violent steps which despair alone can dictate. He hoped that the spirit of the people would show itself throughout every part of the kingdom; because he was persuaded that nothing else would save the state from ruin.

Lord *Grenville* said, he should not have risen to offer a single word in answer to the noble earl, had he not mentioned the case of Mr. Burke. To that he must answer, that he was proud to boast of the part he had taken in recommending the pension of that gentleman, and was ready to take his share of responsibility for it. He was glad to have the opportunity of avowing it, and of asserting in that public manner, that a public reward was never more merited for the most eminent services. No man could boast of services to this country and to mankind at large more meritorious; and he was persuaded that the public would feel for that great character a lasting gratitude, for having opposed the shield of reason and sound argument to defend the wise establishments of our ancestors against the daring inroads of the most pernicious principles ever broached by folly, enthusiasm and madness.

The Bishop of *Rochester* [Dr. Horsley] said:—My lords; The sentiments which fell from me, in a former night's debate, which has excited such a fever in the mind of the noble earl, and has drawn forth such a torrent of his eloquence, I uttered upon the gravest deliberation, and with the steadiest conviction of my mind; and I never shall retract it. My lords, I am sensible that it is perfectly disorderly to allude to any thing that passed in a former debate; and I should not have done it, had not the noble earl compelled me to this irregularity: but when any of your lordships is thus attacked, he generally meets with the indulgence of the House, if, in his own defence, he transgresses the strict rule of order. A turn was given to my expressions, at the time, as if I had delivered that maxim professing at the same time to be little acquainted with the laws of my country. I made no such profession. I never meant to impute that ignorance to myself, whatever other noble lords may impute to me. I avowed only an ignorance of those technical parts of the law in which none but lawyers by profession can be learned, and in which it is no disgrace to any man that is not a lawyer by profession to be unlearned. This avowal of my ignorance was made in stating to your lordships, the wide difference of my opinion, concerning the second clause of this bill, from the opinions that were advanced by a noble and a learned lord (Thurlow). It was painful to me at the time to express my dissent from his opinions, because he was absent; and I thank the noble earl who has given me the opportunity, now that my noble friend is in his place, to repeat my objections to his argument. I said, that the only point of argument I could perceive in my learned friend's objections to the provisions of the bill was this,—that the bill applies the punishment of felony to crimes not felonious. I said, that this seemed to me a technical objection, of which, perhaps, I was not lawyer enough to perceive the force. I observed, that those punishments were not applied by the bill to crimes of simple misdemeanor, except upon the accumulation of the crime by a repetition of it: that it satisfied my mind concerning the justice of the bill, that the punishments were no more than were proportioned to the natural turpitude and malignity of the crimes;—which seemed to me the true measure of punishment; whereas the learned lord had argued as if punishment were rather to be adjusted to the technical denominations of crime. The force of that argument, I said, I was perhaps not enough of a lawyer to perceive. This, my lords, was all the ignorance I took to myself.—The noble earl, who took fire at my assertion that "individuals have nothing to do with the laws but to obey them," said, that "individuals ought not only to obey the laws, but to study them." The noble earl said well: it is the duty of individuals to study the laws, that they may shape their conduct by them: it is the duty of every one who holds a place in this legislative assembly, to study them more particularly; that he may have a full comprehension of the whole system of our laws, a knowledge of the relation of one part to another, and of the general spirit of the whole

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that he may be competent to judge of the legality of public measures—of the consistency or the inconsistency of new laws proposed with the laws already subsisting. My lords, this study of the laws of my country I have not neglected. Not affecting any such ignorance,—not putting myself in this branch of knowledge below the level of any noble lord who has not studied law as a lawyer by profession,—certainly not putting myself below the level of the noble duke who thought fit to impute this ignorance to me,—affecting no such ignorance, but assuming and arrogating to myself all that knowledge of the laws which becomes the station I have the honour to hold,—I repeat, under the restrictions with which at the first I qualified the assertion, with the exception of such laws as may have a bearing upon the particular interests of certain persons or bodies of men, who have undoubtedly a right to discuss such laws—to meet for the purpose of considering such laws, pending or existing—to use all decent freedom of speech in such discussions—to petition to stop the progress of any such law pending, or to obtain the repeal of any such law existing, which may be to them a grievance, with this restriction, and with the exception of such laws, I repeat the assertion, that "individuals have nothing to do with the laws but to obey them." — My lords, the noble earl said, that this was a maxim better calculated for the meridian of Constantinople than of London. Those were not the noble earl's expressions. He said it was a doctrine that would have come with better grace from the lips of the Mufti than from the mouth of an English prelate. My lords, the noble earl is mistaken; the maxim is not calculated for the meridian of Constantinople. The miserable inhabitants under that dismal sky have no law to study or to obey; they have only to obey the changeable will, caprice, or whim, of their tyrant. My lords, it is a maxim not calculated for the meridian of Geneva, or of any other turbulent democracy: in such governments, the people have only to obey the uncertain veering humour of popular assemblies. But in this country, where the rule of conduct lies certain and defined in the letter of the statute-book, and in recorded customs, and adjudged cases, an equal rule to all, liable to no sudden change or perversion—to no partial application from the passion or the humour of the moment,—in a country thus blessed, the individual subject, with the restrictions that I have stated, "has nothing to do with the laws but to obey them." My lords, it is a maxim which I ever will maintain,—I will maintain it to the death,—I will maintain it under the axe of the guillotine, if, through any insufficiency of the measures which may now be taken, the time should ever come when the prelates and nobles of this land must stoop their necks to that engine of democratic tyranny. My lords, I have heard nothing this night to alter my opinion concerning the expediency and justice of the bill before us. I have heard that it creates new crimes: but when this is said the distinction seems not to be taken between creating new crimes and applying new punishments to old ones. My lords, this is the effect of this bill,—it applies new punishments to such things only as by the existing laws are highly criminal. But it is said, and it has been said upon an authority which I ever must revere—upon the authority of my noble and learned friend, from whom I never differ upon such subjects without fear and trembling for the frailty of my own judgment (I differ from him with the more reluctance upon this occasion, because I know his zeal for the general good order of society, I know that neither I nor any of your lordships can go beyond him in the warmth of his attachment to his king and to the constitution of his country),—it has been said, my lords, upon his great authority, that the penalties of the laws, as they already stand, are sufficient for the coercion of such crimes. My lords, how stands the fact? Has not the experiment been made? Have not the existing laws, in many recent instances, been put in execution? What has been the effect?—A publisher of a seditious pamphlet is imprisoned and he lives at ease in his prison, amassing wealth from the profits of the publication for which he was imprisoned—from the sale of it increased by the very circumstance of his imprisonment. "Set him in the pillory." The pillory! The pillory, my lords, applied as a punishment for such crimes, is the stepping stone to glory: ever since Williams mounted it, the printer of the "North Briton," it has been the post of honour.—"My lords, it is with astonishment I have heard it said, that the various seditious and blasphemous publications of the present day are not likely to produce mischief. What

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are the springs of human actions? Have the opinions of men no influence upon their actions?—Not their speculative opinions upon mere abstract subjects, but their opinions in morals, religion, and politics,—have these no influence on their actions? Have these publications no tendency to spread opinions? Are they not circulated for that purpose, with great industry, and with too sensible an effect? Have not the minds of the common people been turned by such publications to subjects to which it had been better if their minds never had been turned? Have they not been poisoned with false and pernicious notions? And has not a great change in the demeanour of the lower orders actually been produced? —"My lords, in the length of this argument, I had almost forgotten to take notice of what dropped from the noble earl, relating to some supposed transaction of my former life. He has told your lordships that I was once present at a meeting for reform in the borough of Southwark. My lords, I cannot conceive to what the noble earl alludes: I hope he will have the candour to assist my recollection, by specifying occasion, time, and place. I cannot recollect that I was ever in my life present at a meeting for reform in the borough of Southwark, or any where else. I have never been a great frequenter of public meetings of any kind; except that lately I have attended, and taken an active part, at meetings in my own county, to consider of measures for alleviating the distresses of the poor. I well recollect, that some years since, when I was a private clergyman, and rector of Newington I attended an election meeting in Southwark. The noble earl will probably think that one of the best actions of my life, when I inform him, that it was a meeting of freeholders of Surrey, who wished to promote an opposition, at a general election, to a candidate who was supposed to have at that time the favour of the court. But that was no meeting for reform, but an election-meeting; and I cannot recollect that I was ever present at any other public meeting, of any sort, in the borough of Southwark. If the noble earl can by any circumstances bring it to my recollection that I ever was, I will not attempt to dissemble the fact: there have been few actions of my life that I wish to be concealed.

The Duke of *Bedford* said, that feeling himself particularly called upon, he must say that from the explanation which they had just heard from the learned prelate, of his extraordinary declaration on a former night, there seemed to be so much variation from what he conceived really to have been said, that he considered the objectionable ground of the reverend prelate's sentiment in a great measure removed, though the impression of the maxim, as first broached, was not altered. He, for one, had not doubted the learned prelate's knowledge of the law; indeed his speech of that evening proved that he understood and knew how to apply it with advantage. If the reverend prelate had persisted in asserting in an unqualified manner what he conceived him to have advanced in the preceding debate, he certainly would have moved that his words should have been taken down, and should have thought any man who held such unconstitutional doctrine ought to be himself placed on the "stepping-stone to glory."

The Earl of *Lauderdale* was glad to see that the reverend prelate had not so for forgotten his duty, as to disdain to give some explanation of what was at least inadvertently uttered.

The Earl of *Abingdon* said, he should give his hearty opposition to the bill, because he thought it an unnecessary infringement upon the liberty of the people. He wished to ask the reverend prelate, whether *vox populi* was not *vox Dei*? He would prove it was; and that God Almighty always inspired the people upon such occasions, and would do so still: he would prove this by authors as old as Methusalem. If the bill passed, resistance to it might be deemed rebellion, but if the compact settled by the Bill of Rights was broken, the government might happen to be in a state of rebellion against the people. His lordship added, that the arguments he had heard that day, appeared to him to be calculated to enforce the exploded principle of passive obedience and non-resistance, and that all who maintained such doctrine, whether bishops or lay peers, were damned beyond all possibility of redemption, by revolutionary principles.

The House divided: Contents, 41; Proxies, 25—66. Not contents, 5; Proxies, 2—7. The bill was then passed.

List of the Minority.

Duke of Bedford,
Earl of Lauderdale,
Derby,
Abingdon,
Lord Chedworth,

PROXIES.

Earl of Guilford, and
Thanet

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Protest against the Passing of the Treasonable Practices Bill.] The following Protest was entered on the Journals:

"Dissentient.

1. "Because we conceive this bill to be founded on a false pretence. It recites a daring outrage on his majesty's person, (which we feel with the utmost horror), and purports to provide farther remedies against such practices, whilst, in reality, it affords no additional security whatever to his majesty's person, and leaves us to regret, a deep and irreparable injury to the laws and constitution of our country, by making the compassing, imagining, inventing, and devising the levying war a substantive treason; thereby departing in a most dangerous and unjustifiable manner from the statute of the twenty-fifth of Edward the 3rd: the salutary provisions of which we cannot be tempted to abandon, by the example of temporary statutes, whose doubtful policy stands in opposition to a law, in which the wisdom of our ancestors has been so repeatedly recognized by the legislature, and so strongly confirmed by the permanent experience of its benefits.

2. "Because the free discussion of the administration of government in all its branches, by writing, speaking, and meeting, for the purpose of representing grievances to any of the three branches of the legislature has afforded the best protection to the liberties of the people, and is the undoubted inherent right of Englishmen. Yet this bill erects into a high misdemeanor, the exercise of this most valuable privilege, and inflicts, in certain cases, the pains and penalties of transportation for the offences which it creates, a punishment in the case of misdemeanors, thus generally constituted, as unprecedented in the history of our laws, as it is unnecessary and unconstitutional.

3. "Because the extension of the treason laws, and the creating new misdemeanors, is an alarming encroachment on the security of the subject, and affords no additional protection to his majesty's person and government; for the state of every king, ruler, and governor of any realm, dominion, or commonalty, standeth and consisteth more assured by the love and favour of the subjects towards their sovereign, ruler, and governor, than in the dread and fear of those laws with rigorous pains and extreme punishments, which have at all times disgraced our code. History, however, shows us, that by succeeding legislatures, our statute-book has with every mark of generous indignation been uniformly cleared of these temporary and unconstitutional excrescences, a circumstance which we now regard as a solemn warning against creating new and unheard-of misdemeanors, or altering the treason laws of our country.

(Signed) "BEDFORD,
"DERBY,
"LAUDERDALE."

Debates in the Commons on the Seditious Meetings Bill.] Nov. 10. The order of the day being read for taking into consideration his Majesty's late Proclamations,

Mr. *Pitt* rose. He said, that the circumstances upon which he meant to ground the proceedings of that night, had made so deep an impression on the mind of every gentleman in that House, as well as on that of every man in the country, that it would not be necessary for him to make any comments on them. The public had seen with becoming indignation, that a virtuous and beloved sovereign had been attacked in the most criminal and outrageous manner, and at a time too when he was in the exercise the greatest and most important function of kingly capacity, when he was going to assemble the great council of the nation —that great, and indeed only resource against every national evil. The first impulses of every man's mind, after an attack so immediately directed against the life of the king of these realms, must be those of horror and detestation of the wicked, the diabolical wretches, who, in contempt of the respect and reverence due to the sacred character of their sovereign—in contempt of the whole legislature, by a kind of concentred malice, directed a blow at once at its three branches, in attempting to assassinate a mild and benignant monarch, who was the great cement and centre of our glorious constitution. In contemplating this calamity, the House would feel that some correction must be given to the laws, at present in force against such crimes; means must be found to repress the spirit which gave birth to so daring an outrage, and to prevent such unprecedented consequences of sedition, and of sedition too leading to assassination by the most despicable, as well as the most dangerous of all modes of attack, against the vital principles of the state, in the person of the sovereign.

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If, under this first impression, every man should think himself called upon (as he was sure would be the case), by the loyalty and allegiance he owed to the sovereign office, and by affection to the person of the sovereign, by the reverence due to religion, by self-preservation itself, and the happiness of society at large, to apply a remedy to those very alarming symptoms, another impression would arise out of it, equally forcible, and equally obvious, namely, that they would do this business but by halves, and act carelessly and ineffectually, if they directed their attention only to that separate act, and not to those very mischievous and formidable circumstances, which were connected with it, in point of principles, and which produced it in point of fact.

In endeavouring to lead the attention of the House to the remedies which appeared to him most likely to be efficient to this purpose, he would not advert to legal distinctions, but to prudential principles. If the House viewed the separate act with that eye of horror he conceived they must, and if, viewing it so, they felt the conviction, that a repetition of such enormities should be prevented immediately; the next point that would impress itself upon their minds, as arising from the two former, was, that they should adopt some means to prevent these seditious assemblies, which served as vehicles to faction and disloyalty, which fanned and kept alive the flame of disaffection, and filled the minds of the people with discontent. He had the most indubitable proof to support him in saying, that this sentiment pervaded not only that House, but all the kingdom; and that in no one instance which had ever occurred, were the Commons called upon more loudly by the wishes and prayers of an anxious community, than they were at this time by the whole people of England, to avert the ruin with which those assemblies menaced the country, by preventing their further proceedings. In full hopes that the House felt the force of these impressions as forcibly as he did, and would agree to some such measure as he had alluded to, his motion of that day would go to that object. It might, perhaps, occur to gentlemen, that a law should be previously made for the protection of his majesty's person; but he informed them, that the other House had now under its consideration a bill to that effect, which he hoped would soon be laid before them for their concurrence. His motion, therefore, was not directed to alter or enforce the laws of the king's safety, but to prevent those meetings, to which all the mischiefs he had mentioned were attributable.

The meetings to which he alluded, were, he said, of two descriptions; under the first of those descriptions, fell those meetings which, under a pretext (to which they by no means adhered) of petitioning parliament for rights of which they affected to be deprived, agitated questions, and promulgated opinions and insinuations hostile to the existing government, and tending to bring it into disrepute with the people. The other description, though less numerous, not less public, nor less dangerous, were concerted evidently for the purpose of disseminating unjust grounds of jealousy, discontent, and false complaints, against the constitution; of irritating the minds of the people against their lawful governors; and of encouraging them to acts of even treason itself. In these meetings, every thing that could create faction, every thing that could excite disloyalty, every thing that could prepare the minds of those who attended for rebellion, was industriously circulated. Both these required some strong law to prevent them; for, if the arm of the executive government was not strengthened by such a law, they would be continued, if not to the utter ruin, certainly to the indelible disgrace of the country.

As to the first of those descriptions, no one would venture to deny the right of the people to express their opinions on political men and measures, and to discuss and assert their right of petitioning all the branches of the legislature; nor was there any man who would be farther from encroaching on that right than himself. It was undoubtedly a most valuable privilege, of which nothing should deprive them. But on the other hand, if meetings of this kind were made the mere cover or the pretext for acts which were as inconsistent with the liberty of the subject as it was possible to imagine any thing to be; if, instead of stating grievances, the people were excited to rebellion; if, instead of favouring the principles of freedom, the very foundation of it was to be destroyed, and with it the happiness of the people; it was high time for the legislature to interpose with its authority.

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This consideration, he confessed, occasioned considerable difficulty, but it did not create an insuperable dilemma. In applying the desired remedy, two things were to be looked to—the first, to correct the abuse of a sacred and invaluable privilege; the second, to preserve that privilege inviolate: caution was therefore necessary, lest, on the one hand, they should encroach on the rights of the people, or, on the other, should suffer the abuse of those rights to become the instrument of their total extinction. This was a matter of great delicacy, and should be attended to in the detail; but the House would see, that at present the real question was, did not the pressure of the moment call for some remedy?

According to the opinions which he had collected, as well as he had been able, from others, and such as he had formed for himself, the great point wanted at this moment was a more clear and defined power in the magistrate, to disperse and put an end to all meetings likely to be productive of consequences such as were already mentioned. He by no means meant this power of dispersion to extend to meetings professedly and obviously lawful, and held for legal and constitutional purposes; but that, in every case of a numerous meeting, of whatever nature, or under whatever colour, notice should be given, so as to enable the magistrate to keep a watchful eye over their proceedings. He should therefore propose, that whatever be the pretext of a public meeting (if the House was at all of opinion there was any necessity for the regulation of such meetings), such notice should be given to the magistrate, in order that he might attend, for the preservation of the public peace; that he might watch the proceedings, to prevent any measure that might tend to attack, or to bring into contempt, either the sovereign himself, or any branch of the established government of the country. That the magistrate should be empowered to apprehend any persons whose conduct should seem calculated for those purposes, and that any resistance to the authority of a magistrate so acting, should be deemed felony in every person concerned in it. That, on perceiving the proceedings of such meeting to be tumultuous, and leading to the bad consequences he had already mentioned, the magistrate should have power similar to that which he had already by the riot act, to disperse that assembly, and that after reading the riot act, and ordering them to disperse, any number of persons remaining should, as by the riot act, incur the penalty of the law, that of felony. The House would see, that this summary power in the magistrate, while it would still leave to the people the fair right to petition, on the one hand, would, on the other, prevent the abuse of it. This, he said, was the outline. All detail he would reserve for future discussion.

Under the other description of meetings, through which the minds of the people were poisoned, fell those of public lecturers, who made the dissemination of sedition the source of livelihood. To them he thought it would be proper to apply regulations something like those that passed about fourteen years ago, in an act which, from the learned gentleman who brought it in, was called Mansfield's act, and by which all houses wherein meetings of an improper kind were held on a Sunday, were to be treated as disorderly houses. And, to avoid evasion, the clause should apply to every house wherein any people met, exceeding a certain number to be stated in the act, the real family of the house. These, said he, are the outlines of the measure I have to propose; and so convinced am I that there can be but one feeling, and one opinion, that some measure of this kind is necessary. [here a cry of "hear!" from the opposite side]; and so little am I shaken in that conviction by the adverse vociferations of "hear, hear!" that I am sure I should but show a distrust of the cause, if I said any more. I will therefore only move, "That leave be given to bring in a bill for the more effectually preventing Seditious Meetings and Assemblies."

Mr. *Fox* said, he trusted it was unnecessary for him to preface what he had to say, by a declaration, that he felt as much horror at the attempt which was made against his majesty as any man in the kingdom: quite as much as any man who might move, who might second, or who might support the bill, which it seemed was to be offered to the House. Having agreed so far with the minister that night, there he must take his leave of him. He did not think he should well express his feelings, if he declared that his indignation at what had happened even on that day, was more than equal to what he felt from what he had heard this night. The right hon. gentleman had

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adverted to a bill at that time in the other House, which was stated to have for its object the better security of his majesty's person, and on which it was probable the House would have some communication with their lordships. He believed it would be difficult for the right hon. gentleman to show the necessity for that bill, if he meant to ground that necessity upon the assumption that what happened on the first day of the session was in consequence of what passed at meetings to which he had alluded. He disapproved highly of all these experiments, which were professed to be intended as securities for the enjoyment of all the blessings of our constitution. He knew the constitution had existed for ages sufficiently guarded by the law as it now stood, and therefore, if the right hon. gentleman had not opened his plan, which, he declared struck him with horror; if he had not said a single word upon that detestable plan, he should have given his negative to the proposition in question; because the proposition itself laid it down as an assumed fact, that the law at present is insufficient to prevent breaches of the public peace. It was said, that a seditious meeting had been held somewhere in the neighbourhood of the metropolis a few days previous to the meeting of parliament; that at such meeting very alarming proceedings had taken place, striking at the very existence of parliament itself. That such proceedings took place he did not know; but, this he knew, if speeches were made that had such a tendency, the speakers were amenable to the law. If hand-bills were distributed that had such a tendency, the distributors were amenable to the law. If any person had so conducted himself as to be the means of causing the people so assembled to form a resolution, having such a tendency, he was amenable to the law, and, when proved guilty, was liable to adequate punishment. But this bill was to proceed upon the flimsy pretext, that all the violence and outrage that had been offered to his majesty was the result of this meeting, of which there was not the colour of proof. He knew, indeed, that the right hon. gentleman had attempted to connect them; he knew, too, there had been, and would be endeavours to confound the two things.

It was ridiculous to talk of these things being perfectly notorious; that these proceedings were clearly seditious; they were points upon which that House could not regularly proceed, for they were points on which there was no proof. Nothing was more clear than that the House of Commons ought never to proceed upon any measure that might trespass upon the rights of the public, without evidence that was decisive, even in cases of extreme necessity; but there was no evidence whatever to connect any of the proceedings of these meetings, with the daring insult offered to his majesty. The right hon. gentleman had said, Should not the House endeavour to prevent the repetition of such an insult? Undoubtedly it should. But then it should be upon evidence, and here the right of persons to meet any where to consult on public measures, was to be affected in consequence of what happened to his majesty on the first day of the session, although there was no evidence to prove that the outrage arose from any proceedings that were had at any public meeting previous to that day. Some persons, perhaps, might consider the proclamation itself as evidence. He could agree to no such rule; he well knew there were those who doubted the truth of the proclamations: who believed many of them to be the acts of ministers for certain purposes of their own; and he was sure it was not regular in that House to take things for granted, merely because they appeared in a proclamation.

These were strong objections to proceeding upon this subject without better evidence. All this, however, was trifling, in comparison with what the right hon. gentleman had said upon the subject. He had said, that there might be a difficulty to preserve the right of petitioning, and to prevent abuses of that right. Difficulty and delicacy, he confessed, there were: but that did not embarrass him; for, he said, they might be settled in the detail. Thus the right hon. gentleman talked with ease on the rights of the subject, as if he expected to bring the public to submit to the most rigid despotism. In that detail, Mr. Fox said, he would never take a share, for he would never attend the detail of a measure which in its essence was so detestable. The right hon. gentleman had hinted at two points. With regard to the first, that of public meetings for the discussion of public subjects, he must not only confess them to be lawful, but must allow them also to be agreeable to the very essence of the British constitution, and to which, under that constitution, most of the liberties we enjoyed

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were particularly owing. The right hon. gentleman had said, that these meetings were not to be prevented, they were only to be regulated. "Attend," said Mr. Fox, "to the regulation. I thought I knew the rights of man—aye, and the rights of Englishmen. [Here was a prodigious cry of Hear! hear!] What, said he, that is a slip you suppose. The rights of man is a sentence without a meaning. Do you say that men have no natural rights? If so, Englishmen's rights can have no existence; this House would have no existence. The rights of man, I say, are clear; man has natural rights; and he who denies it is ignorant of the basis of a free government; is ignorant of the best principle of our constitution."

The people, he had always thought, had a right to discuss the topics from which their grievances arose. In all instances, they had a right to complain by petition, and to remonstrate to either House of parliament, or, if they pleased, to the king exclusively; but now, it seems, they are not to do so, unless notice be given to a magistrate, that he may become a witness of their proceedings. There were to be witnesses of every word that every man spoke. This magistrate, this jealous witness, was to form his opinion on the propriety of the proceedings; and if he should think that any thing that was said had a tendency to sedition, he had power to arrest the man who uttered it. Not only so, he was to have the power of dissolving the meeting at his own will. "Say at once," said Mr. Fox, "that a free constitution is no longer suitable to us; say at once, in a manly manner, that upon an ample review of the state of the world, a free constitution is not fit for you; conduct yourselves at once as the senators of Denmark did; lay down your freedom, and acknowledge and accept of despotism. But do not mock the understandings and the feelings of mankind, by telling the world that you are free—by telling me that, if out of the House, for the purpose of expressing my sense of the public administration of this country, of the calamities which this war has occasioned, I state a grievance by petition, or make any declaration of my sentiments, which I always had a right to do; but which if I now do, in a manner that may appear to a magistrate to be seditious, I am to be subjected to penalties which hitherto were unknown to the laws of England. If in stating any of these things out of the House, a magistrate should be of opinion that I am irregular, he is to have the power to stop me: he may say—'The 'cause which you allege for your grievance is unfounded; you excite, by what 'you say, jealousies and discontents that 'are unfounded;' and if I say what in his judgment or his wishes ought to be concealed, he is to have a power to stop me, and to treat me as a rioter, if I do not obey him. I ask again, if this can be called a meeting of free people? Did ever a free people meet so? Did ever a free state exist so? Did any man ever hypothetically state the possibility of the existence of freedom under such restrictions? Good God Almighty, Sir! is it possible that the feelings of the people of this country should be thus insulted? Is it possible to make the people of this country believe that this plan is any thing but a total annihilation of their liberty?"

The right hon. gentleman had next adverted to a bill which had been passed to prevent the assembling of persons for the discussion of questions on the Lord's day, from which he was to bring in a bill to prevent the discussion of questions on any day; and this, he said, was to be applicable to all cases where money was to be taken. Why all questions were to be prohibited where money was to be taken, merely on an allegation that such questions might produce mischief, was, he confessed, beyond his skill to understand. But this was not all; it was to be applicable, it seemed, to places where no money was to be taken, because, in truth, persons might be admitted by means of tickets; and they must not amount to a number beyond a certain one which the minister should be pleased to insert in his bill, unless duly licensed by a magistrate.—He would again ask—Was this, or was it not, to prevent all political discussion whatever? Let them show him when this had obtained since the revolution, or at any time when this country could be called free. The people are to be prevented from discussing public topics publicly: they are to be prevented from discussing them privately. If then, without this private intercourse or public debate, the grievances of this country are to be felt, and are such as to call forth a general desire that they should be redressed, what are the public to do? They must send, it seems, to a magistrate, and under his good leave they are to be permitted to proceed. [Here there was a cry from

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the Treasury-bench of "No, no!"] "I do not mean," said Mr. Fox, "to overstate this power, God knows there is no occasion for that, for there seems to be sufficient care taken of magisterial authority in every step of this proceeding. Behold, then, the state of a free-born Englishman! Before he can discuss any topic which involves his liberty, he must send to a magistrate who is to attend the discussion. That magistrate cannot prevent such meeting; but he can prevent the speaking, because he can allege, that what is said tends to disturb the peace and tranquillity of this realm.

Sir, I hope this bill will never come into this House. I am not friendly to any thing that will produce violence. Those who know me will not impute to me any such desire; but I do hope that this bill will produce an alarm; that while we have the power of assembling, the people will assemble; that while they have the power, they will not surrender it, but come forward and state their abhorrence of the principle of this proceeding; and those who do not, I pronounce to be traitors to their country. Good God, Sir, what madness, what frenzy has overtaken the authors of this measure! I will suppose for a moment that the only object which they have in view is the preventing a revolution in this country. But that they should have proceeded upon a plan which has no regard for the liberty of the people, no regard for the glorious efforts of our ancestors, no regard for their maxims, no esteem for the principles and the conduct which have made us what we are, or rather, if this bill be countenanced, what we were, is to me astonishing! For to proceed thus, in order to suppress or prevent popular tumults, appears to me to be the most desperate infatuation. Good God, Sir! We have seen and have heard of revolutions in different states. Were they owing to the freedom of popular opinions? Were they owing to the facility of popular meetings? No, Sir, they were owing to the reverse of these; and therefore I say, if we wish to avoid the danger of such revolutions, we should put ourselves in a state as different from them as possible. What are we now doing? Putting ourselves in a condition nearly resembling the periods when these revolutions happened. In the reign of Charles 1st, the most interesting period to which we can look in the history of this country, was freedom of speech indulged to any latitude; or were libels suffered to pass without notice? On the contrary, were not both at that time, punished with an extraordinary degree of rigour? Is it the intention of ministers, by these arbitrary measures to bring the country into the same disastrous situation in which it was plunged during that unhappy reign? It might have been hoped, that the impressive lessons of modern times, and of events still fresh in their consequences, had not yet been forgotten. Look to France before the period of her revolution. Was it the facility of public meetings, or the freedom of discussion granted to the subject, that tended to produce that great change? On the contrary, was it not the absolute prerogative of the king? Was it not the arbitrary power lodged in ministers? Was it not the oppressive privilege of issuing Lettres de Cachet against all who dared to utter their sentiments, and complain of existing grievances, that excited the indignation of the people, and accelerated the downfall of the monarchy? If, therefore, one view on which the present measure is held out to your acceptance, be in order to prevent the troubles arising from the frequency of popular assemblies, on that very ground ought the friends of peace and of order to resist the adoption of the measure. In countries where men may openly state their grievances and boldly claim redress, the effect of their complaints and remonstrances may, indeed, for a time be obstructed by the operation of ministerial corruption and intrigue; but perseverance must ultimately be effectual in procuring them relief. But if you take away all legal means of obtaining that object, if you silence remonstrance and stifle complaint, you then leave no other alternative but force and violence. These are means so dreadful in their effects that it may be matter of question whether any good they produce can possibly compensate for the evils with which they are necessarily attended; such means as scarcely even the best cause can justify. Let us examine a little closely the argument on which so much stress is laid, namely, the danger that may arise from a popular discussion of grievances. If the pretext of grievances be groundless, and not warranted by any immediate pressure, the more it is discussed, the less effect it will have in exciting discontent. But if you preclude these political humours, if I may so call them, from having a vent, you then leave

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no alternative but unconstitutional submission, or actual violence. If ever there exists a just cause of grievance, one or other must be adopted; a tame acquiescence, incompatible with the spirit of freedom or an open resistance, subversive of the order of government. I know that peace and quiet are the greatest of all blessings, but I know also, that rational liberty is the only security for their enjoyment. I admire the British constitution, because it gives scope to the people to exercise the right of political discussion; not merely with the permission of a magistrate, or under the control of an executive force, but on all occasions to state, in bold and plain words, the grievances which they feel, and the redress which they desire. I have only now to express my firm determination to oppose the bill in every stage of its progress. And in the first instance, I shall conceive it necessary to move for a call of the House, as it is impossible for me to suffer a question, which involves so material an alteration of the constitution, to pass in this House, without solemnly, calling on every member to give a vote on the discussion.

Mr. *Stanley* said, that if this bill passed we were upon the eve of a revolution. Montesquieu had asserted, that the surest proof of a country's verging on destruction was an enormous increase of penal laws. The existing laws were every way sufficient to arm the magistrate with proper power for the suppression of all illegal meetings. Did ministers imagine they lived in the midst of people hostile to the constitution? Were not the laws for the punishment of misdemeanors adequate? Why should a law be brought in to authorize magistrates to attend at public meetings? Did they not attend? Could they not, as Englishmen, attend and declare their free opinions on any subjects propounded at any public meetings? He considered the bill as a libel on the loyalty of Englishmen, and a measure which would make him abhor the authors of it for the rest of his life.

Sir *W. Pulteney* said, that the greatest jealously ought to exist in the minds of the people at any infringement of their privileges, but gentlemen would do well to try, whether this consequence would attend the present measure. He agreed, that the measure would militate against liberty, if it prevented free discussion: but if such assemblies as those in question were suppressed, he begged to know, whether the liberty of the press would not continue to exist in all its force? That was a mode of discussing all popular topics, adequate to all the purposes of the community. That alone was sufficient to maintain all the blessings of the people; and that could not exist in a republican form of government, in an absolute monarchy, or any sort of government which he knew, except a limited monarchy, such as we happily enjoyed. In inflammatory assemblies where sedition was copiously dealt out to the multitude, there ought to be something to save the public mind from imbibing the insidious poison. The great danger of such meetings was, that they only heard one side of a question, and their ignorance and want of information led them on to action. It was very fit, therefore, that they should be set right on such points. If treason and sedition were afloat, the current ought to be stopped; and if the laws already in force were inadequate, some regulation ought to be made to save every thing dear to Englishmen.

Mr. *N. B. Halhed* said;—Mr. Speaker, There are circumstances, under which no unwillingness of public speaking, no consciousness of slender abilities, will authorize a perseverance in taciturnity: when a town is besieged, the most peaceable inhabitant must occasionally handle the musket, or line the battery. I am the last man who would wish to press myself forward on the notice of the House, or take an ostensible part in the business of the day. Educated in the most loyal principles of love for the constitution and respect for the crown, I have hitherto contented myself in the silent enjoyment of the inestimable privileges of a free-born Englishman, and a warrantable hope that I should preserve them undiminished to my latest hour. The continuance of those hopes, and of that enjoyment, is so inseparably linked with the question actually before the House, that I am persuaded our resolution of this day will, in one way or the other, decide upon them for ever. I have therefore applied myself with all the diligence I am capable of to the consideration of the subject of our present debate, and I hope gentlemen will do me the justice to acknowledge, that however deficient my capacity, there is not one member of this House who has better pretensions for impartiality at least of judgment in a complete separation from all party attachment, and a disavowal of

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all political connexions whatever than myself. I differed indeed last spring, and do still most decidedly differ with the majority of this House on the subject of the war: but there I stop. In no one instance have I formed new attachments, or forsaken my former private friendship, in consequence of this change of my opinions; and I am now ready, and I hope I shall ever preserve that readiness, to vote and to divide with either side of the House, on which reasonableness and justice shall appear to me to preponderate.

In order, Sir, to form something of a clear and consistent opinion of the nature and circumstances of the business of this day, it will not be altogether nugatory to take into consideration, a distinct statement of the facts that have led to the measures now proposed. On the 29th of October, his majesty, coming in state to open the parliament, was assaulted by some one or other, among a mixed and prodigious crowd, who threw a stone, which broke a window of the carriage; and certainly endangered the life of the sovereign. There cannot be any man in the whole kingdom more ready than myself, to acknowledge the atrocity of this act, and to consign the author or abettors of it to the most rigorous punishment of the law. I was, therefore, exceedingly well satisfied, when I saw a proclamation, issued by the privy council, offering an immense, but not unfit reward, for the discovery of the offender. I was still more satisfied when, by a second proclamation from an office of police, I had reason to suppose, that this wretch, though not actually discovered, was at least accurately identified. If it had been declared upon oath, that a dirty looking fellow, like an ostler, had been seen to throw a stone at the carriage, and that persons had been heard afterwards to compliment him on his dexterity—here one would think every thing that vigilance for the public weal, or concern for the life of the monarch could suggest, would have concentrated all its efforts. The discovery of a shabby ostler, and a coachman out of place (however cautiously they may be concealed) will hardly appear of any considerable difficulty to any man who considers the present accuracy of intelligence, both in government offices, and in those of the police.—Nor can it be seriously a matter of doubt, but that if these people were discovered, their plot, if it were a plot, would necessarily be laid open and disconcerted; and their accomplices, if they had any, share the same fate with themselves. But at all events with this clue, leading to a knowledge of the whole state of the case, I put it now home to every gentleman's breast, whether it was not more reasonable, more natural, and more consonant to justice, to pursue that investigation upon the grounds of this information upon oath, than to turn shortly round into a totally new path of research, and shift the suspicion to a totally different quarter.

I must confess, therefore, Sir, that when I saw the third proclamation, that which is now the object of our discussion, I was most exceedingly surprised and alarmed. For what is the coincidence of facts on which the circumstancess alluded to are affirmed to assimilate—none upon earth that I can see, but a mere proximity of date. A riotous and starving mob insult his majesty, and appear even to aim at his life on a certain day;—a mob, evidently exasperated by personal sufferings of the severest nature, calling to the common father of his people for peace and bread; and on the day before, a peaceable assembly of persons, who are not said or supposed to be in a state of actual necessity, and whose behaviour was in every respect most tranquil and exemplary, had convened to deliberate on the means of legally restoring their political rights. There is not the slightest symptom of union either in the principles or objects of the two assemblies, or is it by the most distant hint insinuated that this dirty-looking ostler or coachman out of place had been seen at the meeting near Copenhagen-house. But it may be said, this meeting was nevertheless dangerous, by instilling seditious or treasonable notions into the brains of an undistinguishing multitude, and so sideways, giving encouragement to the blow that was actually stricken. I ask, is there any proof of this? Is there any ground for assuming it? Is it the first time such an assembly has been collected under the orators of this assembly, to have disseminated, as it is urged, such dangerous doctrines, totally unknown, or if known, have the existing laws been put in force to bring them to justice? Nothing of the kind. Other assemblies have been previously holden on the very same subject. The same orators, whose names are probably familiar to every member of this House, have broached the same sentiments at those meetings, and their

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speeches have been every where published and circulated, without a single animadversion from any of the law officers of the crown.

This, Sir, appears at the first blush so singular a business, that I think it will not be amiss, if we analyze it up as far as we can go. We must then observe, that the grievances complained of by those against whom the present proclamation is immediately directed, are such as have been attributed to the want of a reform in parliament: they are such, as pressing with extraordinary weight on the bulk of the nation towards the close of a former most calamitous war, naturally connected the idea of returning peace with that of an improved representation of the country. And certain very able and distinguished characters of those days so clearly exhibited the connexion between the profitable abuses of war on the one hand, and the relaxed state of parliamentary independence on the other, that by vigour and perseverance they at length drove the war ministry from their seats, and set up an administration of their own on the basis of peace and reform. Far be it from me to deny that they continued to feel in office the sentiments they had professed on coming into power, or to suspect that they did not deprecate that system of hostility, which had been found so convenient to the profusion of their predecessors.—But accidents will derange the best-concerted plans; and though they had the skill to evade actual warfare, they could not well avoid certain incidental armaments, which administered a momentary gloss to the languishing war establishment. At last, Sir, the necessity of a real and complete war, with all its train of inevitable extravagance, and official emolument, was fairly presurmised—and then—then it was natural to look back with some anxiety at the circumstances under which their predecessors in office had retired, and themselves acceded to possession. I am but speaking the language of plain reason and ordinary common sense, when I assert, that if in one instance the plan for immediate peace and parliamentary reform had triumphed over an administration professing diametrically opposite principles — the same means might be apprehended, as again likely to produce similar effects; and therefore it may certainly be deemed no more than mere prudence and self-defence in those who were about to adopt the very measures they had formerly reprobated, to lay every possible impediment in the way of a similar attack upon themselves. Considering the matter in this point of view, I have no hesitation whatever in declaring, that the alarm so industriously spread in the latter end of 1792, against the different societies linked together for the purpose of procuring parliamentary reform, was perfectly wise, consistent, and natural. The method of calling out the militia at a most unusual season, of apprehending sundry persons, and seizing a voluminous mass of papers, with all the well-assumed trepidation of an immediate death-blow meditated against the constitution, was admirably well calculated to annihilate the most distant hopes of these societies in future, and commence a reign of terror which no succeeding opposition would have been able to shake. The means were ostensibly adequate to the end proposed; and the precipitation with which the act of Habeas Corpus was suspended, showed the extreme eagerness of the parties to take advantage of the momentary paralysis of public opinion. What followed? After a long lapse of time, the persons originally confined, were brought to their trial, under such peculiar circumstances of hardship, both as to the astonishing number of witnesses subpœnaed against them, and the unheard-of phalanx of professional men, drawn up in array, at the bar, that, I think, hardly any thing similar can be found in the annals of mankind.—I say, and I am sure many gentlemen who now hear me, can testify to my veracity, if they please, that even before trial these wretched victims were exultingly condemned to the gallows. That the assurance of their fate was in certain quarters perfectly proverbial; and I now declare my opinion as an honest and independent man, that if those persons had then suffered, not one of us now alive, should ever have seen the rights of Habeas Corpus restored to this country. Nothing would have been required to keep up a perpetual necessity for the suspension, but the sacrifice of a dozen or two of miserable wretches once in a year, to exaggerate suspicions of treason: a precedent would have been established (and who so fond of precedents as our courts of justice) for their condemnation, and in no very long period, popular prejudice might have gone hand and hand with the verdict. Thank God, the integrity of a jury impanelled in the metropolis,

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in the very vortex of ministerial influence, suddenly dispersed the tremendous cloud, and left nothing for ministers but the miserable shift of the possibility of an existing conspiracy without conspirators. By this time the projected war was in full effect, and any one who will be at the trouble to trace with accuracy the circumstances of which I have just sketched a rapid outline, will clearly discern from the very nature of the case, as well as the opportunity taken for this transaction, that it was planned for the very purpose of insuring to administration an undisturbed career in the prosecution of hostilities. I assume it as a matter of fact, which every man may verify if he pleases.

The failure of the project, therefore, as it was most exceedingly mortifying to its projectors, must be expected in the same degree to have given courage and exultation to its opponents; for which reason we ought then to have perceived the immediate operation and effect in the conduct of the parties and their associates, of all those dangerous and destructive designs, of which they had been so loudly accused. What was the fact? Tranquillity in the extreme, a general submission to the laws, and a temporary suspension even of the most legal exertions of the societies for a parliamentary reform, in favour of the vigour and unanimity required for the conducting the war; accordingly this war went on and went on, like that former war, the opposition to which had been so advantageous to the conductors of the present. Calamities poured in upon calamities, expenses were multiplied upon expenses; all the floodgates of profusion in subsidies, loans, and all the endless etceteras of ministerial dilapidation were thrown open, and it became again too apparent, that no remedy short of a parliamentary reform could possibly reach the enormous evil; and this brings us, Sir, to the moment of the proclamation now on the table. We have seen that an attempt to produce a complete annihilation of the societies by an attack upon the lives of some of their prominent members had failed. It is necessary, therefore, now to change the mode of proceeding, and by one blow to quash the very existence not only of all these existing societies, but even the possibility of any such society ever existing at all—and the time chosen for this operation is of itself sufficient, in my mind, to warrant the inference I now draw. The House will please to consider how very near we are supposed to be to a dissolution of parliament, and upon that ground, pause a moment, to reflect in what situation every man will stand who shall not start as a ministerial candidate at the general election. Sir, upon this head, but to have dropped a hint is fully sufficient. I affirm that the present ministry, by a bill founded on this proclamation, will have the effectual control over all the electors of Great Britain, and no man can possibly expect to be returned but on ministerial interest.—As to the proclamation itself, every sentence is a mere assumption of fact without any proof whatever. Will the house admit upon this single authority, that inflammatory and seditious speeches have been delivered at the meeting alluded to, without any formal testimony adduced for it? Shall we without any evidence whatever conclude, that because it is notorious that one man in a tumultuous assembly has thrown a stone at the king's coach, many thousands of men who met quietly and decently the day before are complicated in the transaction? Are we not in full possession of an acknowledgment from the crown itself, that under an extreme pressure of distress, obedience to the laws has been so general as to deserve its particular notice, and violated only in a few instances? Shall we not be permitted to ask, why issue such a proclamation if it be insufficient, and if sufficient, why back it with an act of parliament? Shall we not call for a list of all those justices of the peace and others, to whom the proclamation is addressed, that we may judge for ourselves, whether or not they are now competent to the duty without farther aid? Shall we not, at all events, demand a call of the House, that on a case of such magnitude, in which the whole fabric of our constitution, as settled in 1668, is in danger, every member may be apprised of the circumstances under which his own liberty and that of the whole nation, and of all their posterity, is to be done away for ever? Surely, Sir, if ever there was a time when procrastination was a virtue, it is now. I shall sit down under the satisfactory conviction, that I have not in so critical a period shrunk from that duty which, on less important occasions, I should have been much better pleased to elude.

Mr. *Maurice Robinson* said, he had that night heard from an hon. baronet, a sophisticated explanation of the nature of

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the bill, a circuitous effort to confound its object and effect, infinitely more insidious and alarming, than the pretext of necessity which the chancellor of the exchequer had undisguisedly alleged. From the sophistry of the hon. baronet, he collected, that the people would have a right to read, but not to speak complaints against the burdens they endured. Thus the interests of the sovereign were opposed to those of the people, whereas he had always heard that the sovereign was a third branch of the legislature, and was bound to understand the democratical interests as much as his own. The bill went to impeach the loyalty of the people, who, except a few indeed, had constantly shown their veneration for the sovereign; for never had king afforded more trying situations for the loyalty of the subject to be manifested in, nor experienced stronger instances of their love and attachment. The effect of the bill would be much to diminish the benefit of trial by jury in the city of London. The House ought to resist a bill which was an execrable compound of oppression and folly.

Alderman *Lushington* said, that when he looked at the daring attack, not solely against the person of the king, but against the whole constitution, he thought the measure necessary for the preservation of the constitution. If a negative was put on the bill, he would venture to say, that not only every man in that House, but millions out of it would lament the day when they rejected it.

Mr. *Curwen* declared, that no man more deprecated the attack upon the sovereign than he did: he never contemplated any thing with more abhorrence than he did that attack, except the glaring attempt which was that evening made, under the sanction of the royal name, to deprive the subject of his best and dearest privilege. If any thing could endanger the person of his majesty it would be that bill. With the privilege of a free discussion on the defects of their government, the proceedings of ministers, and the conduct of their representatives, the people of this realm were never obliged to recur to acts of violence to obtain a redress of their grievances; and hence arose the security of their sovereigns. It was true, the right hon. Gentleman had sufficient cause to suppress the voice of the people; for no man had ever suffered more mortifications from it than himself. What was it that put a stop to the Russian war? Not the majority of that House, but the voice of the people. What was it that put a stop to the Spanish armament? Not the majority of that House, but the voice of the people. To preserve this voice inviolate he would risk his life and property; and it was indifferent to him, if the bill should pass, whether the constitution were destroyed by despotism, or an insurrection of the people. He could only attribute this bill to the convenience of ministers, who wished to put a stop to the progress of complaints against them to the throne; and, as an argument in support of this assertion he requested that part of his majesty's speech to be read which spoke of the general moderation and good behaviour of the people. Yet, after this had been pronounced by his majesty to both Houses, they were called upon to vote for a bill, which, even in a limited and moderate extent, no minister had before presumed to bring forward. He trusted the House would not, dared not, let it pass. If they had the feelings of Englishmen, he was persuaded they would not: sure he was, that the country had only to be apprized of its danger, and it never would pass.

Mr. *Wilberforce* said, that the present period and occasion were such as rendered it the duty of every public man to declare his sentiments, and it was more especially incumbent on those, who, like himself disclaimed the idea of party connexion. He had listened with attention to his right hon. friend's opening; and although he did not mean to pledge himself with regard to the particular provisions of the bill, he approved of the general principle of the measure, and, so approving, he was not to be deterred from the frank avowal of his opinion, by the lofty tones, and violent epithets of the hon. gentleman opposite. He begged the House to take a considerate review of all that had passed relative to the subject before them for the last three years; so long it was since attempts had been making, by every species of art and industry, to poison the minds of the people of this country, to instil into them jealousies and suspicions, and to excite a contempt for the British constitution and an attachment to those false principles of liberty, which had produced such extensive mischiefs in a neighbouring country; nor was it only French politics which they were importing into this country, but French philosophy also: in the numerous publications by which their opi-

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nions were disseminated, there was a marked contempt for every thing sacred, an avowed opposition to the religion, as well as to the constitution of Great Britain. Various means had been taken to put a stop to these proceedings, but in vain; these bad men seemed to redouble their efforts, and to press forward with increased audaciousness. Lectures were given, and harangues delivered, of the most inflammatory nature; hand bills and prints of the most atrocious description were circulated. That all this had not been without effect, was but too manifest from those daring insults on the person of his majesty. What, then, was to be done. Were these men to be suffered to go on without disturbance? It was a question which deserved the rather to be asked, because there were manifestly a systematic principle, a consistency and uniformity in their measures, which plainly evinced a deliberate plan of conduct. Were they to be permitted to pursue in all our great manufacturing towns, what they had begun in more than one of them —that same system of popular assemblies, and debating clubs, and seditious harangues which they had introduced into the capital. Surely it was high time for parliament to stop the progress of this growing mischief: and he thought administration deserved the thanks of the country for making the attempt in spite of all the clamour they must expect to raise amongst those who harboured these bad designs, and amongst others in that House, whom he had observed with sorrow to be but too ready to lend their countenance to them.—The measure divided itself into two parts; that which respected the greater popular assemblies and that which respected the smaller societies and clubs. With regard to the former, he conceived it was by no means meant to lay any restraint on the constitutional modes of discussing public questions, and stating and obtaining redress for national grievances; all that was designed was, to prevent the mischiefs likely to result from tumultuous assemblies, by bringing them more under the cognizance of the laws, and putting the magistrate into a capacity of discharging that duty, in the execution of which, difficulties were now thrown in his way, which rendered the exercise of it almost impracticable. The grand constitutional organs by which the wisdom of their forefathers had provided for the discussion of political questions, and the expressing to parliament of the national will were to remain untouched; he might rather say, that they would acquire new life and vigour when those assemblies should be brought under regulation, which had incroached on their province and usurped their powers. He was ready, however, to confess that it was not willingly that he resorted to this bill; all that was left to him was a choice of difficulties; it was the condition of human nature, and no where so true as in politics, that it was almost impossible to obtain any great good without the sacrifice of some opposite advantages, or the risk of possible evil, yet on the whole he must declare, that fairly estimating the advantages and disadvantages likely to result from the measure in question, he could not hesitate to which side of the alternative to give the preference.—The second part of the bill respected the seditious clubs and debating societies. Concerning these he thought there could hardly be two opinions; they might do much harm, they could do no good. The cause of truth and of fair discussion were not promoted by these assemblies; on the contrary, they were the sure parents of falsehood, prejudice, and passion. But a right hon. gentleman had defended them on the ground of their being necessary, as vents through which the humours of the body politic were to be suffered to pass without restraint. Was it by seditious clubs and debating societies, said the right hon. gentleman, that the old government of France had been deitroyed? Was it by seditious clubs and debating societies that the monarchy was subverted in our own country in the time of Charles 1st? Had not both Louis 16th and Charles 1st, attempted to stifle and suppress these and other means by which the public discontents were supposed to be excited. Mr. Wilberforce said, he had always considered it as the grand preservative of the British constitution that there was a popular assembly, the House of Commons, in which all popular grievances might be freely and safely discussed to which the people might be encouraged to bring their complaints, wherein they might be sure there would never be wanting those who would stand forth to assert the cause of the injured or oppressed; here in short, all the national humour might be suffered to ferment without danger. Was there any thing of this kind in the constitution of France?

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Was it not actually for want of some such provision, that the national discontents, long working secretly, burst forth at length like a torrent, with the greater violence from having been so long repressed? Again, might not all Charles 1st's subsequent misfortunes be traced to his discontinuance of parliaments for eleven years together, by which a similar effect had been produced in England? The application was obvious. But the right hon. gentleman had declared, that if the bill should pass, there would be a total abrogation of all the liberties of the country. This was in part answered by an hon. gentleman who, opposing the bill with equal violence, had declared that he hoped or believed, that if the bill should pass the people would resist it. He was sure the hon. gentleman could not mean they would resist it by force; all he could design was, that the people, if it should pass, would exercise their just right of petitioning against it, and that the public voice, when expressed loudly and unanimously, would procure its repeal. But when it was so confidently asserted, that, with these clubs and societies the national liberties would expire, he must ask in his turn, where were the national liberties before those clubs and assemblies existed, which were but of late origin? But it had been urged, that we were accusing the people of England in general of disaffection; nothing could be farther from the truth. Had this been the fact, we should now have been too late with our preventive remedy: but, in truth, this was the exact time to interfere, before the poison had generally diffused itself. He could most solemnly declare it, as his conscientious opinion, that in voting for this measure, he should invigorate the British constitution.

Mr. *Sheridan* said, that the hon. gentleman who spoke last, agreed to the measure, because he was desirous of handing down the liberties we enjoy unimpaired to posterity. But unfortunately the bill in question was one of the first to destroy those liberties, inasmuch as it made a direct attack on the right of petitioning. He differed also with the hon. gentleman in his idea of a conspiracy, when he insinuated that the spirit of disaffection had increased. Did he mean to assert that it raged more dangerously now than it did at the commencement of the war? If he did then it was evident, that ministers had put a direct falsehood into his majesty's mouth, as he had expressed his satisfaction at our improved situation, part of which was attributed to the returning loyalty of his subjects.—The hon. gentleman had asked, what were our liberties before the formation of clubs? He would remind him, that since the Revolution, clubs had always existed in a greater or less degree; and that the hon. gentleman himself had of late years belonged to almost every one of them. He desired the House to recollect what the magistrates in Westminster were who would be entrusted with authority under this bill. They were not like the gentlemen of that House, of independant fortunes, and administering justice gratuitously, but paid creatures, pensioners, and dependents on ministers. Then what was to be done to render them fit for their offices? First you must give them independence, then integrity, and lastly talents, or they would never be able to discriminate. If any orator, in the heat of his argument, should use a seditious word, or one which the magistrate construed to be so, and not immediately desist when desired so to do, the riot act was to be read, and followed up by military execution. Reformers in general were not very ready to attend to a gentle hint, and here there was but one alternative; for if the magistrate did not find him passive and obedient, when setting him to rights, he was to knock him down. Besides, how many magistrates were to be employed to disperse a large assembly? He supposed they were to be procured by advertisement, and we might shortly expect to read in the public papers, "Wanted an immense number of magistrates, to prevent the dissemination of seditious doctrines, and set the people to rights." At this rate not a respectable man would be found in the magistracy, but ashamed of having their names seen there, would resign the bench to a set of hired, venal dependents. He in his soul and conscience believed, that all the tumults had been raised by that immense army of spies which had been disbanded. He hoped the House would not suffer such a libel as this bill to pass; for if it were to pass; he should think it unworthy of him to make use of the exclusive privilege which was allowed to the members of that House, to be the prattling representative of a dumb and enslaved people.

Mr. *Martin* believed in his conscience,

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that ministers had taken advantage of what had happened, to rouse a spirit in the country to support their intolerable measures. Such a military force was established all over the country, that he feared much blood would be shed before the nation could regain its liberties. He remembered the day when no minister would have dared to propose such a measure.

Mr. *Windham* (secretary at war) said, he had heard much of assertion, that the liberties of this country were gone, and that the people were enslaved; but these assertions had been supported by very little reasoning. The hon. gentlemen opposite had long been too much in unison with the feelings and sentiments of the people who compose such meetings, and therefore it was not surprising that they should express the same feelings on this occasion. It was not, however, from such opinions, that the House was to form its ideas No man could doubt but that a number of men in this country were engaged in designs to subvert the constitution. Certain gentlemen exulted at that circumstance. He wished them joy of that exultation, but he could not share it with them. He saw it with regret, and it was with regret that he attempted a remedy. If the law at present did not reach those societies, it was fit they should make a law for them. The principles adopted by those societies went directly to the destruction of the constitution. Whether certain doctrines had made a progress in the country, and whether they were attended with danger or were likely to be so, was the issue between them, and on which he called for judgment. When, in the feelings of every body, the whole world had confessedly undergone great changes, the hon. gentlemen opposite seemed to have forgot there was such a thing as the French revolution, "the greatest fabric," as had been represented, "which human wisdom ever founded on human virtue." Look at the authors and supporters of this system and every man must see they had the ambition to produce even a greater change in the world, than was produced by its conversion from Paganism to Christianity: or by the Saracens under Mahomet. The present leaders of France had annulled treaties in a thousand instances. They were not to be bound by the old musty maxims of Grotius and Puffendorf. They had endeavoured to exterminate all traces of ancient institutions, and had attempted to make the world adopt a new principle. Was there a country in Europe safe from the poison of these principles, or which had not felt the effect of this great democracy? Were not the principles openly avowed in every country, and acted on by men of information and talents? It was evident there was a set of men in this country, who openly professed an attachment to the French republic, who wished them success, and only waited for an opportunity to co-operate with them. What was the case in Holland? Was it an entire conquest, and was there no French party in Holland? Was even America secure against the propagation of French principles? Did any man before the present moment hear of an unjust war against France? He desired the House to examine the French Revolution, and then to say whether that war was not just, which was undertaken against robbers and murderers, and those who were guilty of every crime that blackened human nature. To say that such a war was not just, was an outrage against common sense. There never had been a period in the history of this country when such opinions were entertained, and it was self-evident, that the progress of laws and of crimes must go hand in hand. When new offences occur, new laws must be enacted to meet them. The only question was, whether this remedy was to be applied, or whether those societies and meetings were to be permitted to go on preaching sedition and treason as much as they pleased? They had circulated hand-bills and papers of a nature too scandalous to be stated. They mentioned directly the assassination of the sovereign, and this was followed, in a few days, by an actual attack on him. Yet certain hon. gentlemen did not think this measure of safety necessary to be adopted, and saw no connexion between the language held at these meetings and that attack. No government that ever existed permitted such meetings; and as an *argumentum ad hominem*, the glorious system of new French liberty did not admit of them. The moment a man said any thing the least obnoxious to the government, they took a short method with him, and cut off his head.

Mr. *Grey* said, the right hon. gentleman either did not possess the confidence, or was not acquainted with the crafty wiles of ministers. For this he was not sorry as their inconsistency and absurdity of conduct appeared more clearly from the

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right hon. gentleman's speeches. The decline of democratic principles had, on a former occasion, been much dwelt on, as the happy effect of the war; yet, at that moment the prevalence of those very principles was made the ground of the bill proposed by ministers. It was argued in favour of the motion, that the spirit of turbulence and discontent was increasing, and the bill intended to be brought in was thought a necessary measure to secure the constitution from invasion. He was ready to allow that discontent of a very alarming nature prevailed in the nation, but could it be attributed to French principles? Certainly not. If properly traced it would be found to originate in the corruption and folly of ministers, who, by plunging the country into an unjust war, produced calamities which they were unable to alleviate or redress. It was urged that there were not only discontented men but traitors in the country, who sought to destroy the constitution. That there were such wretches he would readily admit, wretches of the most base and abominable kind, traitors, who strove, by the most atrocious means to subvert the constitution. He would not name who those traitors were, nor in what situations they were placed, but he was convinced, that if suffered to proceed in their iniquitous plans, they would inevitably produce the dreadful effects which were so much affected to be apprehended from popular meetings and private clubs. He could not conceive any connexion between the meeting at Copenhagen-house and the outrage on his majesty so far from it, he said, he would rather incur the imputation of acting with those men to whom ministers alluded, than suffer the motion to pass without his most marked disapprobation; considering it as he did, as an attempt to rob the people of their dearest rights and enslave the nation. Were not the laws sufficient to suppress seditious meetings? Was not government fully enabled by the assistance of the civil and military power to quell any riot that might happen. An hon. baronet had observed by way of palliating the evil proposed, that the liberty of the press was preserved in its fullest extent. Ought we, therefore, to be deprived of the liberty of speech? It had been pressed as an argument, that government could not be supported by other means. If it could not be supported by other means, the question naturally arose, should it be supported at all. The best governments would occasionally excite discontent, and why should not a government disgraced by ministers whose baseness and folly had degraded the country and whose foolish and ruinous system had universally propagated discontent produce the same effect in a more eminent degree. The right hon. gentleman had observed, that a regular plan was formed for subverting the constitution. What was the system of defence, with which this attack was to be repelled. Ministers proposed to crush the people, and must necessarily destroy the constitution under the flimsy pretence of defending it; a dangerous plan, a plan unlikely to succeed, it being infinitely more probable that they would crush themselves. He would on every occasion oppose so detestable a measure.

The question being put, "That leave be given to bring in the bill," the House divided:

Tellers.

Yeas	The lord Belgrave Mr. Robert Stewart	214
Noes	Mr. Grey Mr. Sheridan	42

So it was resolved in the affirmative. Mr. Fox then moved, That the House be called over on the 24th, which, after a short conversation, was agreed to.

List of the Minority.

Aubrey, sir John	Milner, sir William
Barclay, George	North, Dudley
Bouverie, hon. Ed.	Peirse, Henry
Byng, George	Philips, J. C.
Courtenay, John	Plumer, William
Crespigny, C. C.	Robinson, Maurice
Curwen, J. C.	Russell, lord William
Erskine, hon. Thos.	St. John, hon. St. A.
Fitzpatrick, gen.	Scudamore, John
Fox, Charles James	Smith, general
Francis, Phillip	Smith, William
Halhed, N. B.	Spencer, lord Robert
Hare, James	Stanley, John Thos.
Harrison, John	Sturt, C.
Hussey, William	Tarleton, general
Jekyll, J.	Thompson, Thomas
Jervoise, J. C.	Weston, C. C.
Lambton, W. H.	Whitbread, S.
Lechmere, Ed.	Winnington, sir Edw.
Lemon, sir Wm.	TELLERS.
M'Leod, gen.	Sheridan, R. B.
Martin, James	Grey, Charles.
Milbank, Ralph	

Nov. 12. Mr. Pitt brought in the said bill. On the motion, That it be now read a first time,

Mr. *Lambton* opposed it. A worthy magistrate, on a former night, had asked who

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could doubt that the meaning of those who met at Copenhagen-house was, to excite that spirit which afterwards broke out in an outrage against his majesty? But could the worthy alderman prove any connexion between those who attended that meeting, and the persons who had so daringly insulted his majesty? The House might recollect how the minister had acted, when he caused the Habeas Corpus act to be suspended. Then there was a little decent delay, for the case was referred to a committee. In the present instance, there was nothing of evidence before the House, nothing of the existence of any plot, but the mere assumptions of the proclamation. This was the work of ministers, who came to that House with it, and said, "it is our will that you believe every word of it." "Sic volo, sic jubeo, stat pro ratione voluntas."

Mr. *Canning* was of opinion, that there was an intimate connexion between the proceedings at Copenhagen-house, and the disgraceful outrage which followed. An attempt had been made against the king, and a hand-bill was circulated on the practice of "king-killing." The doctrine was preached, and the attempt was made. The designs of the speakers were not disguised; they publicly declaimed against majesty and government. He did not see how gentlemen could be so blind to plain and evident facts; unless they wanted to disguise what the declaimers and orators had no idea in concealing. If the attack on the sovereign immediately followed the circulation of such abominable doctrine, he did not see how the connexion could be discredited. There was a plea used, it was true, that they were assembled for the puspose of petitioning parliament; but this, it was easy to perceive, was only a pretext to deceive. And yet some gentlemen would still say, that the doctrine and the fact had no connexion.

Mr. *Sheridan* began with observing, that the hon. gentleman had stated, that there was a connexion between the proceedings at Copenhagen-house, and the insult offered to his majesty. He had also alleged that the doctrine of king-killing had been inculcated by distributing a hand-bill. Now, the connexion that he wanted was a connexion between what that gentleman said and the fact; for until he gave some proof of it, it was a little too much to call on the House to come to that conclusion. For his own part, he declared his utter disbelief of it. There might, indeed, be hand-bills written and distributed, and most probably were, as others had been before them, by spies and informers. He was warranted in saying this, for practices of this sort had been proved. Ministers had propagated such libels frequently through the medium of their scandalous and disgraceful tools. Could that be doubted? Had it not been stated at the Old Bailey by Lynam, one of the informers, who admitted that he was paid by government for what he did, and that he was obliged to make extravagant speeches and propositions in some meetings to prevent his being suspected as a spy? If, therefore, there were any of these hand-bills distributed at Copenhagen-house, the probability was, that the persons who handed them about, were the spies of government. With regard to the late meeting, what was the probability of this doctrine of king-killing having been held forth? It was a meeting where lectures were delivered from particular places erected for that purpose, and if there had been held forth the doctrine of king-killing, it was utterly impossible for the thing to pass by without being noticed. The notoriety of the whole proceeding proved the falsity of the assertion. As so much stress had been laid on the connexion between the proceedings at these meetings, and the insult offered to the king, he would move for a committee to inquire into the facts, as was done on the suspension of the Habeas Corpus act.

Mr. *M. Robinson* called on the House to pause, nnd seriously to think of the step they were now about to take. The liberties of this country had never been better cherished than under the house of Brunswick, but ministers were endeavouring to make this reign similar to the reign of Tiberius.

Mr. *Curwen* asked, if pamphlets, such as he had heard stated that night, had really been distributed, what had government been about? Why did they not prosecute the authors? With regard to the present bill, it was one which required mature deliberation. If there were plots, let the House have evidence of them. He had a family, and he wished to bequeath his fortune and liberty to his children. He was a lover of the constitution, and he wished to transmit it to posterity; but he despaired so to do, if the

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bill passed into a law. He wished, at least, to have some precedents. Did the country, in times of the greatest danger, resort to such a measure? If the bill passed, the clause of the Bill of Rights, which enabled the people to petition, was no more.

Alderman *Lushington* said, he would submit to a temporary sacrifice for the general good, but he did not wish the measure proposed by this bill, to be made a permanent law of this country. He should wish to see it made nothing more than an annual regulation at most.

Mr. *Grey* rose chiefly for the purpose of entering his protest against the time that had been chosen for bringing the bill forward. There ought to have been notice given of its being to be brought forward; that not having been the case, the consequence was, that the bill would pass one stage in the absence of some of the most eloquent members. He did not believe that the insult to his majesty originated at Copenhagen-house. It was said, that the doctrine of king-killing was preached there. He knew nothing of that. He had indeed been informed that a hand-bill was circulated, which stated something about king-killing. He thought the bill unnecessary, because the laws already in existence were fully sufficient to repress the evil. He should oppose it in that House, and out of that House; and if he should be so fortunate as to contribute to the reprobation of it on the part of the people, he should think he had done some service to his country.

Mr. *Duncombe* considered the bill of more importance than any that had been introduced into that House since the Revolution. But, had a bill of that tendency taken place before 1688, we had been still grovelling under the despotism of the house of Stuart. He had witnessed with horror the behaviour on the first day of the session. He wished to see the kingly part of the constitution protected, but there was another part of it that deserved no less attention, namely, the democratical. They were equally essential to its perfection. If the existing laws were not sufficient, he would willingly consent to other laws—to any laws that wounded not the vital principles of the constitution. He thought the free discussion of political subjects was one of those principles. The minister whom he had long supported, surely could not wish to discredit popular meetings, for in addition to his merit, he was considerably recommended to his majesty's favour, by the opinion the people had expressed of him; and he was confident he would not kick down the constitutional ladder, by which he had mounted to eminence and distinction. He could not approve of the bill in its present form, as he liked not to leap over those outworks of our constitution, those barriers of freedom, which our ancestors had ever respected.

Mr. *Wilberforce* felt the utmost regret upon the present occasion to find himself under the necessity of differing with his hon. friend, with whom, upon every constitutional question, he had formerly had the happiness to agree. He was sure, however, that the sentiments his hon. friend had expressed were dictated by his total misconception of the bill. There was nothing contained in the bill that, in his apprehension, touched on the essential rights of the constitution. It abolished none of the privileges which Englishmen could legally exercise. The right of holding popular assemblies and of discussing public affairs was preserved by this bill to every extent which ought to be permitted, or which the existing laws authorized.

Sir *W. Milner* said, he would oppose the bill, because he considered it would not only be useless for the object to which it was directed, but would prove highly detrimental to the country. He was convinced that the guilty might be punished by the existing laws. He thought ministers ought to endeavour to suppress illegal meetings, if such took place, and to give directions to magistrates to exert, for that purpose, the authority they possessed. He had heard of a meeting which had taken place that day, where, he understood, the utmost decorum had prevailed. If this meeting was assembled for the purpose of petitioning the legislature against this bill, he highly approved of their design. The loyal yeomanry and gentry in various parts had met, and he hoped would meet, to give it their decided opposition.

Alderman *Anderson* said, he highly approved of the bill, though he was not yet perfectly master of its contents. He entertained the greatest dread of the seditious meetings which had been held, and thought some strong measure necessary to counteract them. In his journey to town that day, he had seen crowds of people, and inquiring the cause at a turn-

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pike-bar, had been informed that it was a meeting of the Corresponding Society, which had dispersed a good deal, disappointed at an unlucky accident, by which Mr. Thelwall, one of their orators, had been deprived of a phaeton belonging to a certain noble duke, of which he was to have had the loan, and from whence he meant to harangue the multitude.

Mr. *Stanley* said, the privileges of Englishmen were extinguished, if they could not meet when and how they pleased for the discussion of public affairs. To render their conduct subject to the arbitrary control and summary interference of a magistrate, the purity of whose views might be questionable, was inconsistent with every idea of freedom and of the constitution.

Lord *W. Russell* said, that an imputation had been thrown out by a worthy alderman against the character of a noble duke, whom he thought it incumbent on the worthy alderman to name, and to state what reason he had to believe the story which, improbable and foolish as it was, if not properly explained, might be propagated upon the slight foundation of what had been stated in the House. He would therefore move that the debate be adjourned, in order that an inquiry might take place into the facts which had been stated as reasons for supporting the bill.

Alderman *Anderson* said, he had merely stated what he had heard on his way to town.

Mr. *Lambton* said, that if the worthy alderman had acted as candour and liberality dictated, he would have told the person who gave him the information, that it was impossible the noble duke alluded to could in any way encourage seditious and disloyal meetings, instead of coming to the House with so miserable an anecdote, which could never impose upon any man who knew the noble duke only for the worst of purposes.

The motion, that the debate be adjourned, was negatived. On the question "That the Bill be now read a first time," the House divided:

Tellers.

Yeas	Mr. Ald. Lushington Mr. Buxton	135
Noes	Mr. Lambton Mr. Christian Curwen	22

The Bill was read a first time. On the motion, that it be read a second time, the House divided: Yeas, 138; Noes, 21. On the motion, that it be read a second time on the 17th, the House again divided: Yeas, 129; Noes, 23.

Nov. 17. On the order of the day for the second reading of the Bill,

The *Solicitor General* said, that he would not have presumed to have obtruded himself upon the attention of the House in this stage of the bill, did not the general interest it had excited, and the misrepresentations of its tendency which had taken place, render an explanation of its principle and object peculiarly necessary. The first object to which it was directed was the putting a stop to those meetings, which had of late been so frequently held. The sacred freedom of speech had, he said, been shamefully and dangerously abused. The sincere friends of the constitution would, he was persuaded, give their cordial support to a measure which professed to furnish a remedy to that disorder and abuse. Whether the provisions of the bill were calculated to meet the evil was another consideration. Its object, however, was, to prevent the perversion of an important right, and to supersede the necessity of stronger restrictions upon it than the bill was meant to impose.—The second part was intended to remedy the abuse of debating in public meetings. The particular object of this was, to prevent the egregious abuse of that privilege, which had of late risen to so extraordinary a height—to prevent private interest from prompting discussions of public grievances, and to put a stop to that traffick by which a turbulent spirit of discontent had been raised and encouraged, to serve the pecuniary purposes of individuals. It was to be considered afterwards how far this clause was suited to this purpose.—When the bill was examined, it would be found that if the provisions of it were at all defective, the fault was, that they did not go far enough. His own opinion was that they were not so extensive in their operation as they ought to be. The framers of the bill, however, had been guided by the best of motives. They wished it to meet the evils against which it was levelled, and hoped that the grand purpose would be achieved by it, namely, that of giving a timely check to the desperate views of these clubs and societies. With regard to the principle of the first part, the bill went to establish the right to meet for the purpose of petitioning the legislature against any existing law, or considering any actual grievance, but to

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subject it to regulations, not to withdraw or impair it. It enacted that no meeting for such purposes could be held without a certain degree of previous notice. The persons at whose request is was called, would incur some degree of responsibility for the conduct observed at such meeting. It was not meant to comprehend any meeting called by the lord lieutenant, sheriff, Custos Rotulorum, &c. It did not attempt to interfere with that kind of meeting which had generally been held formerly in this country, for the constitutional purposes alluded to. Whether this exception went far enough was, in his mind, a matter of doubt. The bill simply required that previous notice should be given for the purpose of explaining what was the nature of the business for which the meeting was called, and to fasten upon such persons as announced this intention a degree of responsibility which would be a pledge for the peaceableness of their designs, and the decency of their demeanor. In what way did this enactment trench upon the sacred right which the constitution bestowed, or give that fatal stab to their liberties which was apprehended? He was sure that it was calculated to obstruct no meeting which either ought to be held, or which it was honest to hold. It could only mean, then, to prevent those meetings in which the true object skulked behind the pretext of a lawful design, and where the bad intention was veiled by a plausible disguise. It was to be observed also, that the meetings the bill was framed to discourage were those chiefly where vast crowds were assembled, and where necessarily most mischief and disturbance of the public peace were likely to be generated. Even this practice was to be prohibited by existing laws, by which tumultuous petitions were prohibited, and the number of signatures to be affixed to any one petition not only greatly limited, but the object of it was required to be approved by three justices, or the grand jury. If meetings were held in defiance of the enactment of the present bill, the assembly would be unlawful, and might be dispersed by the magistrate in like manner as he was at present entitled to disperse a mob under the riot act. In order to prevent destructive views from being pursued under specious pretexts, the magistrate was authorized to put an end to the meeting, if his discretion suggested the necessity of such an exercise of authority. This was a measure which a regard for the public peace rendered fit to be adopted, where it was threatened by such extravagant attempts as these meetings had encouraged. England was the only country in the world where meetings for a similar purpose were allowed without the attendance of a magistrate. The most free states that had existed; the Roman Republic itself, in the zenith of its liberty and fame, had never permitted the people to assemble but in a regular body, formally collected, and under the control of a magistrate. These provisions of the bill were all of them consistent with the spirit of our laws and the practice of our government. To those who would exercise it with discretion and virtue, they were calculated to preserve the enjoyment of a right by guarding against the abuse of it. The latter provisions were equally fitted to repress those lectures, and other kind of political discussions, which it was intended to prevent.—Political subjects, he said, might be discussed under the idea of an existing grievance, which the sufferers wished to have redressed, and the bill was not introduced to prohibit such a mode of considering them. That was a right too sacred to be disturbed on any pretence whatever. But where such discussions were meant to prove a source of pecuniary benefit to the persons by whom they were promoted, the bill interposed a salutary preventive. It was impossible not to perceive the impropriety of permitting discussions, in which individuals, feeling themselves interested would be disposed to advance the most dangerous and seditious doctrines.—It had been asked, what is the necessity for adopting the measure? The answer was simple and obvious; the notoriety of the daring proceedings of the seditious. The discussion of pretended or even real grievances, and even the right of petitioning itself, had been employed as a medium to excite sedition and provoke discontent. The report of the committee of secrecy and the evidence adduced on the subsequent trials, contained variety of correspondence, from which it appeared that, while the intention to petition was assumed as the ostensible object, no such design seriously existed. In what manner, then, was this bill to apply to meetings actuated by similar dispositions? It would not prevent the sober discussion of a real petition, but it would prevent the introduction of discourses, and guard against the perversion of meetings which were

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likely to lead to such purposes as those to which he had referred. The recent instance of the Westminster meeting had been adduced to show that great bodies of people might assemble in the exercise of a constitutional right, and conduct themselves with suitable propriety and order. But might not such a meeting have taken place, even if this bill had passed into a law? How, then, could the bill be represented as subversive of the best privileges of the people, or as stabbing the principles of the constitution?—Perhaps it might be said, that the inconsiderable number of men, to whom these seditious designs were ascribed, could not be so formidable as to sanction such a measure. He felt the highest pleasure in reflecting that their numbers were comparatively inconsiderable; but inconsiderable as they were, they were capable of doing infinite mischief. It had been laid down as a maxim, by the writers of their own sentiments, that all revolutions were effected by minorities. One of the most distinguished members of the constituent assembly (D'Andre) had remarked that the active, persevering spirit of the few would always triumph over the peaceable and inactive disposition of the more numerous class of the community. Considering the boldness which they manifested, the desire of magnifying their number and importance, and their assumption of a formidable appearance, the small number of people who composed these societies was no reason that the bill was less required by the occasion. The incessant activity of their machinations rendered it necessary for government to embrace strong measures to oppose their progress.—Some of the gentlemen opposite had said, why adopt extraordinary measures? Had not the government of former times been protected by the existing laws? It was true, that during periods of danger, the existence of the constitution had been adequately defended by these laws, with this difference, that the object of these men was the total destruction of the constitution; that of the friends of the Stuarts only the change of the sovereign; liberty, religion, and property, if the present objects of the societies were attained, were to be overthrown. Representative government was the demand of the Corresponding Society, as was proved on the State Trials. To these principles and their consequences they still adhered. In France it had been fonnd impossible to maintain a government on the principle of universal suffrage. The constitution of 1791, in recognizing that doctrine, sealed the doom of the monarchy, and the fate of the king became inevitable. Did not the present period, then, particularly call on the House to adopt measures to prevent their introduction and propagation in this country?—It had been said, that the existing laws were sufficient, and it had been asked, why had not prosecutions been instituted against the authors of the crimes complained of? Prosecutions had, in some cases, taken place, but it was a matter of infinite difficulty to obtain that evidence which was necessary to conviction. The number of offences made prosecutions of all the offenders almost impossible, and even upon the existing laws, prosecutions would have occasioned great public expense. The existing laws were undeniably defective, as they did not reach the societies from which the evil originated. It was therefore the intention of the present bill at once to provide against the deficiency of the laws, by other means than punishment, and by preventing the meetings to anticipate the mischief they might occasion.

Mr. *Erskine* said, he found it extremely difficult to reconcile what he had heard from the learned gentleman, with what he had heard from gentlemen on the opposite side, on the night when the House granted leave to bring in the bill. When leave had been asked to bring in the bill, an hon. gentleman had said, that the criminal law of the land was amply sufficient for the security of the government, and the comfort of the people, but that a particular conjuncture of affairs had arisen, which made it necessary to enact the present law. The learned gentleman, however, had that day taken a different course; he had asserted, that the present act was strictly consonant to the principles of the constitution; an act never thought of in the reign of Charles 2nd, after the horrors and confusion of the former reign; an act never dreamt of in the reign of king William, when the government was newly established, during a disputed succession, or in the two rebellions that raged in the subsequent reigns; an act which even the present ministry never thought of passing, when they suspended that grand palladium of English liberty, the Habeas Corpus act; nor when

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they had the reports of committees, stating the existence of treasonable plots, upon their table. Upon what grounds had the learned solicitor-general defended the necessity of passing the present bill? Upon any fresh reason that existed? Upon any new plots? No. Instead of adducing new evidence, instead of going over the new conspiracies that were supposed to be hatching, the learned gentleman had trodden again the dull track that he had trodden so often before. The learned gentleman, out of his bounty, had been pleased to say, that he allowed the right of the subject to petition the king and parliament, and that he considered that right not to be taken away by the present bill; not only not to be taken away, but even to be rendered safer by it. In contradiction to this position, he would maintain positively and distinctly, that the bill did absolutely destroy the right of the subject to petition. It was a maxim of law when any thing was prohibited by law, the means by which such thing might be done were also prohibited: on the contrary, when the law permitted a thing to be done, it also permitted all the means by which such thing might be done. By this maxim he desired the present bill might be examined. In the first part of the bill an exception was contained, which, it had been contended, was sufficient to preserve the freedom of the country; it excepted meetings called by lords lieutenant, sheriffs, and justices of the peace in their particular districts. The constitution of England was, he said, made up of balanced, mixed, and opposing powers; the prerogatives of the crown, and the right of the people were equally poised, consequently the right of petitioning, perhaps against arbitrary measures, would be rendered nugatory by this bill. According to its enactments, no subject was to be discussed which the magistrates did not approve; thus, those magistrates who were appointed by, and removeable at the will of the crown (such as sheriffs, &c.) were to be the judges of the nature of their petitions. The magistrates who represent majesty will therefore never permit the people to meet for the purpose of petitioning against a measure of high prerogative, or in any case where the king may be supposed not to consult the happiness of the people. Will any man pretend that this is not a flagrant invasion of the people's privileges, and absolutely destructive of the very existence of the constitution, composed of mixed and separate parts? a direct and gross violation of the Bill of Rights, on the maintenance of which his majesty holds his title to the crown? Those, therefore, who advise his majesty to the measure, bring his title into question, and advise him to a breach of his coronation oath, by thus destroying the unqualified and undeniable right of the people to petition. Did the learned gentleman find in the Bill of Rights, that the right of assembling and petitioning had been a right claimed with such firmness, and contended for with so much glorious struggle, as a right to be exercised with the permission of magistrates, or even of the king himself? But the principles of the constitution and the Bill of Right were all forgotten; the principle of alarm seemed to justify every violation of the liberties of the people, and to afford a sufficient pretence of laying waste all the wisdom of our ancestors.

The learned gentleman had said, that there was no country in Europe where meetings were allowed to be held without the interposition of the magistrate; no, not in ancient Rome: for his part, he did not wish to look abroad for governments; he wished only to support the British constitution sacred and inviolable, as he found it delivered into his hands, and as it stood at the Revolution. He was to do his duty as a member of the British parliament: he was not then to consider what government was best; he wished to support that which was already established, and which had stood the test of ages. It was one thing to make a government, it was another to rob the people of their rights; which, if government dared attempt, the people would be justified in resisting such glaring oppression. He would say, again and again, that it was the right of the people to resist that government which exercised tyranny. It had been said, that bold language was held at public meetings; it was certainly bold to say, that the people had a right to resist, and that they ought to rise; but there were some occasions which rendered the boldest language warrantable. — In his attempt to prove the seditious views of the societies, the learned solicitor-general had neither cited any of the speeches that had been delivered at Copenhagen House, nor had he even brought down his own Old Bailey speech; but the people were discontented, and would not be

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quiet. Upon this subject he would read the opinion of a man of the highest authority; he meant the late earl of Chatham. In 1770, when a motion was made by the marquis of Rockingham, * relative to the discontents that had broken out, that great man, had said, "If we mean seriously to unite the nation within itself, we must convince them, that their complaints are regarded, and that their grievances shall be redressed. On that foundation I would take the lead in recommending peace and harmony to the people. On any other, I would never wish to see them united again. If the breach in the constitution be effectually repaired, the people will of themselves return to a state of tranquillity. If not—may discord prevail for ever! I know to what point this doctrine and this language will appear directed; but I feel the principles of an Englishman, and I utter them without apprehension or reserve. The crisis is indeed alarming—so much the more does it require a prudent relaxation on the part of government. If the king's servants will not permit a constitutional question to be decided on, according to the forms, and on the principles of the constitution, it must then be decided in some other manner; and rather than it should be given up, rather than the nation should surrender their birth-right to a despotic minister, I hope, my lords, old as I am, I shall see the question brought to issue, and fairly tried between the people and the government!" With the sanction of the sentiments of the venerable and illustrious earl of Chatham, he would maintain that the people of England should defend their rights, if necessary, by the last extremity to which freemen could resort. "For my own part" (said Mr. Erskine) "I shall never cease to struggle in support of liberty. In no situation will I desert the cause. I was born a free man, and by God I will never die a slave!" That the question should be decided by such a contest, he declared he did not wish: never would he do or say any thing that did not tend to avert the horrors of a revolution; a calamity which the supporters of the bill affected to fear, though that bill was the most likely method to produce it.

In the whole of the late proceedings and events, one of the most fatal things had been, that the higher orders of the people separated themselves too much from the lower. This had been one of the causes of the revolution in France. Under their arbitrary monarchs there were literally but two classes of the people; a pampered, profligate proud nobility, and a low, miserable, and abject rabble; no intermediate class, no knowledge, no virtue. It was to this that all the horrors that followed the French revolution were to be attributed. To look back to the wretched state of the French people, divided only into two classes that he had described, it would be seen, that man, by degrees, feeling the dignity of his nature, roused at constant disgrace and persecution, shook off the trammels of despotism, and asserted his rights. The people drew a parallel, which, when he considered their enlightened minds, appeared to him to be astonishing; they drew a parallel between the state of France and this country. France had an unreformed church, and an unreformed state; a profligate despotism, and the most profound superstition. There were no gentle gradations of rank; and the government rose not, as had been said by a celebrated writer of the English government, from "a broad base to a point." Where was the parallel between such a country and such a government, and the country and the constitution of England? Why did ministers not come forward with this measure when France was distracted by that anarchy, from which all the principles so prejudicial to this country had arisen? When they came forward with triumphant descriptions of the improvement of the French constitution, instead of availing themselves of that opportunity of sailing into the harbour of peace, and putting an end to the miseries of a most disastrous war; instead of recommending the constitution to the love of the people, by an experience of its practical blessings; instead of the higher ranks endeavouring, by the tenderness of their behaviour, to draw the lower orders back to content and to happiness, a bill was brought forward which outraged every principle of freedom, and overthrew the very foundation of the constitution? Let any lawyer show that this bill was consonant to the principles of the constitution? He defied the whole profession to prove it. The constitution was abrogated, and annulled by it. The bill would not allow the people to meet without advertising their intention; and surely this was a very extraordinary circum-

* See Vol. 16, p. 747.

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stance. The people are the proper judges of the grievances under which they labour. They may think the measures of administration a grievance, yet the magistrate is to be the judge of the nature of the complaint, however respectful and inoffensive, and may even pronounce a requisition which censured the ruinous measures of a minister, or proposed a reformation of abuses, a crime against the law. Our ancestors were content to wait till some overt act appeared, which was the subject of punishment. But, under this bill, the determination of a magistrate is to interfere between the people and the assertion of their rights and the complaint of their grievances. Depend upon it, the people of England, unless they are lost to all sense of freedom and of national honour, will not, and ought not to submit.

He stated the power which the law bestowed upon magistrates, of arbitrarily judging of the intention of the people; and even, lest he himself might be responsible for the consequences of any meeting, the necessity a virtuous magistrate might be under of dispersing a meeting of the best men with the purest views. He likewise stated various absurdities which resulted from the authority bestowed by the bill on magistrates. He would suppose that at such a meeting as had been convened, in the manner alluded to, he spoke with severity of the evils that existed, and with firmness of the grievances under which the people laboured; he would suppose that he said, what the minister himself once said, viz. that "as long as the parliament remained unreformed, no wise and virtuous administration could exist: he would suppose that he did this—could the magistrate disperse the meeting? He affirmed that he might disperse it, and could not be punished.—One of the clauses of the bill stated, that "in case such meeting shall, by reason of any special circumstances, become dangerous to the public peace, in the judgment of two or more justices of the peace, &c." Here was a discretion given to the magistrates of the most dangerous kind. Where did the solicitor-general find a precedent of so broad a discretion given before to magistrates? A discretion, too, for which they could not be punished; because, when the law placed any thing in the discretion of a magistrate, it could not punish him for any mistake which he might commit in the exercise of that discretion? If it was the intention of the minister to prevent the people from meeting, for the purpose of proposing any alteration in church or state, or of exciting dislike to the king's person and government, there was no necessity for the present bill; and the provisions inserted in it, for the purpose of producing such an effect, ought to be blotted out. The fact was, that they were determined to give the magistrates the power of dispersing public meetings. —He would proceed to show the gross and abominable absurdities of this part of the bill. Suppose thirty or forty of the most respectable magistrates in the country; suppose even that the twelve judges of England were to join in proposing a meeting; two hired, hungry, jobbing justices might disperse them all. Could a criminal information be filed against such magistrates for so doing? The court of King's-bench had determined a case that very morning, that might be applied in the present instance, and which was sufficient to establish the legal principle of the clause in question. A law had been passed in the reign of James the 1st, authorizing the magistrates to search for a particular kind of leather. Upon this law a search had been ordered by a magistrate, a seizure had been made; and, upon examination, the person from whom the leather had been seized had been acquitted: a question arose, whether an action would lie against the magistrate for having ordered such a seizure? It had been decided in the affirmative, because the particular law gave no discretion to the magistrate. It would be much more manly, much more consistent with truth and candour, to come forward and tell the people of England that they were no longer to enjoy such privileges, than to insult their understandings by telling them they retain that liberty of which they feel themselves deprived. He would ask, how they could petition for the redress of grievances without communication? He had in his hands an address to the jury at the Old Bailey, which would show that no conspiracy had existed, and that the opinion of the judge had not been as represented. The chief justice says—"All men may, nay all men must, if they possess the faculty of thinking, reason upon every thing which sufficiently interests them to become objects of their attention; and among the objects of the attention of free

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men, the principles of government, the constitution of particular governments, and, above all, the constitution of the government under which they live, will naturally engage attention and provoke speculation. The power of communication of thoughts and opinions is the gift of God, and the freedom of it is the source of all science, the first fruits and the ultimate happiness of society; and therefore it seems to follow, that human laws ought not to interpose, nay, cannot interpose, to prevent the communication of sentiments and opinions in voluntary assemblies of men." From this it was evident that the judge considered voluntary communication as not only lawful, but as a right which could not be taken away.

He next commented upon the preamble to the bill, and contended, that the most tyrannous act had always been passed under the pretence of making the subjects happiness the ground for the measure. Other matters were also to be considered in the provisions of the act: it was in the power of any one man, by going to a meeting, and speaking a few seditious words, whether apposite to the subject or not, to afford a warrantable reason for a justice to dissolve the meeting; any man whatsoever, though he be not one who signed the notice, or who called the meeting; any spy (and magistrates had their spies) with half-a-crown in his pocket, might go, and, by uttering seditious expressions, afford his paymaster the power of putting an end to all discussion, and to the meeting. He said, he considered the law of the land as fully adequate to all the purposes of good government, without the introduction of the present measure. In any public meeting, when a breach of the peace was committed, a magistrate, by the existing law, was entitled to interfere; and in his support, was authorized to raise the *posse comitatus*, if necessary: and by the riot act, he had likewise the power of dispersing tumultuous assemblies. Where, then, was the necessity for introducing a new law, and giving a vital stab to the constitution?

The learned solicitor-general had observed, that prosecutions had little effect, and under that pretence, licensing acts, Mr. Erskine said, were to be introduced. All laws, in all governments, even the most despotic, in their preamble, pretend to be dictated for the good of the people; and however the bill and its supporters might assume that pretence, it was to be judged by its natural tendency. Was it consonant with the spirit of the constitution, that men, met for the best of purposes, should be dispersed, if a ministerial spy thought proper to propound some point which appeared exceptionable to the magistrate? Let gentlemen consider what the present laws were by which the constitution was defended. If it required new sanctions, he would willingly join in framing them; he would however adapt his remedies to the discontents and disaffection of the people upon principles suited to the nature of a free state, and of the nature of our own constitution. Mr. Burke, whose talents he reverenced, and who had displayed his wonderful powers for years, in opposition to the right hon. gentleman, by a most unfortunate coincidence of opinion, had of late recommended himself to his favour: that great man, when speaking of the American war, with all those graces of oratory which would carry down his fame to posterity with that of the fairest productions of Grecian and Roman eloquence, had expressed himself in terms peculiarly applicable to the present time. His words were these: "It is not very difficult for well-formed minds to abandon their interest; but the separation of fame and virtue is a harsh divorce. Liberty is in danger of being made unpopular to Englishmen. Contending for an imaginary power, we begin to acquire the spirit of domination, and to lose the relish of honest equality. The principles of our forefathers become suspected to us, because we see them animating the present opposition of our children. The faults which grow out of the luxuriance of freedom appear much more shocking to us, than the base vices which are generated from the rankness of servitude. Accordingly, the least resistance to power appears more inexcusable in our eyes, than the greatest abuses of authority. All dread of a standing military force is looked upon as a superstitious panic. All shame of calling in foreigners and savages in a civil contest is worn off. We grow indifferent to the consequences inevitable to ourselves, from the plan of ruling half the empire by a mercenary sword. We are taught to believe that a desire of domineering over our countrymen is love to our country; and those who hate civil war abet rebellion; and that the amiable and conciliatory virtues of lenity, mo-

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deration, and tenderness to the privileges of those who depend on this kingdom, are a sort of treason to the state."

This was not a pompous display of theoretical observations, but a series of wise and political reflections, meant to have a real and practical consequence. "Gentlemen," exclaimed Mr. Erskine, "will see by this, that the word eqaulity is not a word of new coinage, and introduced into the dictionary only three years ago, but a word of long and ancient usage, and stamped with the sanction of such an authority as that of Mr. Burke. In my opinion, the higher ranks do ill in thus seceding from the lower. If the latter have swerved from their duty, would it not be better for the former to rally them round the principles of the constitution, and lead them back to their duty, than thus to make, as it were, a separate cause against them? Let those higher ranks recollect what must be the certain consequence of any contest between them and the lower ranks. Such a contest, I am sure, I deprecate sincerely; and it is because I sincerely deprecate it, that I thus wish the higher ranks to take it into their most serious contemplation. What distraction has seized the House! You have said, that from the convulsed state of France, you expect better terms of peace. Will she not act in the same manner with you? if you give her reason to suppose that you are convulsed, will she not expect better terms of peace from you on account of such convulsions? Good God! because a prince, whose morals make him dear to every man in the nation, was going down to his parliament during a war that has snatched the bread from the mouths of the poor; because, in the crowd that surrounds him, there is one man, miscreant enough to offer an outrage to that prince; the outrage committed by that one man, and which I affirm is punishable by the statute of Edw. 3d is to be charged against the whole people of England, and we are to be deprived of our most valuable rights and privileges. As there is always a disposition to exaggerate events, the French will be induced, by our proceedings, to form an idea that a wish to change the government of the country, and to introduce such a constitution as that of France, actually exists in England, and they will make you spend twenty millions more in the prosecution of the war."

He then entered into a legal argument, to prove that the offences recapitulated in the bill could be punished by the existing laws. The 13th of Charles 2nd was admitted to be the precedent of the bill; but it must not go the same length. Under that act 100,000 persons might assemble, and sign any petition to the king or the parliament voluntarily; but the act prevented persons from hawking about petitions to persons to sign, who might not know that any grievances existed. It also provided, that not more than ten persons should present any petition to the king. It only authorized magistrates to interfere when an overt act of tumult took place, or to require security if danger to the peace was apprehended; but it never prohibited a meeting to be held; it did not forbid voluntary communication, but prohibited tumultuous petitioning: this bill prohibits petitioning upon grievances which actually exist.—An unreformed parliament had been alluded to. The language of the minister once had been, "That we had lost America by the corruption of an unreformed parliament; and that we should never have a wise and honourable administration, nor be freed from the evils of unnecessary war, nor the fatal effects of the funding system, till a radical reform was obtained." The right hon. gentleman had in that prediction shown his prophetic power; for, to such a parliament was owing that detestable, ruinous, and destructive war into which he had plunged the country. The right hon. gentleman would, however, brand with the imputation of sedition, all who employed the same language that he himself once had held, or who expressed their discontent at the fatal measures of his administration. That the societies should complain of this evil was surely not to be wondered at. Though they had complained, he would ask, had they raised the standard against the constitution of the country? In arguing this question, he desired not to be answered by old musty records that had been produced on the trials, by that mass of matter which so wearied the patience of every man who was present when it was produced, or by those letters which had been read upon every subject. He desired not to be answered by such documents; because he contended that, in the trials that had occurred, the issue that had been joined was, whether the real object of the societies was, a reform in parliament, or

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whether that was only a pretence to cover traitorous designs against the constitution? The chief justice Eyre had alluded to this issue in his charge to the grand jury, when he had said, "if there be ground to consider that the reform of parliament had been a mere colour or pretext laid hold of as a design against the government of the country, in that case he had already stated what his opinion was upon that subject; and the only question in such event would be, whether or not the matter of fact could be proved?" The chief justice had farther said, that "if these associations meant nothing more than a redress of grievances, and to have nothing else in view, then of course no charge could be made against them." The issue, therefore, was, whether the real object of the societies was a reform in parliament, or a design to destroy the constitution? The indictment against the prisoners expressly charged them with holding a convention with a view to depose the king, and to destroy the constitution. The jury by acquitting them had decided that no such design to destroy the constitution existed. Their verdict was not given from a disagreement with the judge on the point of law, but they had founded it on the principle of the *fact* that had been alleged, not having been proved.—He had said, secondly, that the existing laws were sufficient for the punishment of the offences recapitulated in the present bill, because, if persons assembled for any unlawful purposes, those assemblies were unlawful assemblies, and might be punished as such. If there were tumultuous proceedings, the magistrates, under the statute of Henry 4th (which lord Mansfield, in the case of lord George Gordon, held to be still in force), might take sureties from persons guilty of such proceedings, and might assemble the *posse comitatus* to disperse such tumultuous meetings. He therefore contended, that no man could be guilty of any of the overt acts that had been mentioned, without being affected by the laws as they now existed.—There was, lastly, the riot act, the provisions of which were fully sufficient for the dispersing of illegal meetings. By the laws as they now stood, it was necessary that a person should be actually doing an unlawful act, in order to subject him to punishment: in the case of the king against Boyce, it was held, that though the defendant had not been actually concerned in the pulling down of mills, yet, as he had taken part in the meeting of persons so employed, waved his hat, and approved of the proceedings, he came within the meaning of the act, and was held to be guilty of felony.—On the whole view of the subject, therefore, he was clearly of opinion, that the existing laws were amply sufficient; that they did not require any extension; and that there was not the least necessity for the present bill. That bill he felt to be a daring attack upon the principles of the constitution: he felt and saw also, that ministers, at a time when every thing should be done to restore harmony and peace to the country, were adopting measures that not only tended to produce such an effect, but tended to swell the sum of public grievance, and to lay the foundation for fresh discontents in the minds of the people.

Mr. *Milbank* said, the riot act already authorized any magistrate, mayor, or sheriff, to disperse any meeting composed of twelve persons or more, suspected of assembling for tumultuous purposes, and if those persons did not immediately disperse, when so commanded, they were guilty of felony. The bill, he feared, might be made use of for pernicious purposes, and suffer many an error to creep into the state; and upon these principles, convinced that there was already a strong and satisfactory resistance to every probable evil, of the nature adverted to in the bill, by the law as it now stands, he should oppose the motion.

Mr. *Anstruther* said, that the learned gentleman who spoke last but one had attempted to trace the bill up to a general system of separating the rich from the poor, as if the former were set up in battle array against the latter. To this he must give the most unequivocal contradiction; on the contrary, he would assert, that there were associations formed of all classes of people, for the suppression of Jacobins and Jacobin principles; and that the wealthy and higher orders were, in conjunction with the lower, standing forward equally in defence of the great mass of the people, against the dissemination and progress of mischievous principles which threatened to destroy all ranks, and bury them in one common ruin. The same gentleman had laid it also down as a fundamental proposition, that the liberty of the subject was taken away by the bill; because, when the law prohibited any thing, it prohibited at the same

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time, every manner of doing it; hence inferring the converse of the proposition, that what it permitted, was permitted in every way; and therefore, in restraining the right of public meetings in any way, the principle was so far violated. In answer to this, he must declare that the learned gentleman was mistaken; for nothing was clearer than that the law prohibited every method of doing that which was forbidden, yet the inverse of that proposition could never be maintained, that what it permitted it allowed to be done in every manner. In proof of which he referred the House to the very bill depending, where public meetings were permitted with certain formularies, but were forbidden without them. His learned friend had, nevertheless, contended, that a lawful act could never be done in an unlawful manner, and seemed to found his opposition to the bill on that general argument, maintaining, that it was an abridgment of the hitherto acknowledged liberties of the country. The major proposition was not only invalid, but the minor was so likewise; the country having never before been in a similar predicament to the present, consequently, could not before require that abridgment. Supposing, for a moment, that the bill were an abridgment of the liberties of the people, no precedent of the same effect could be stated, because no similar cause could be instanced. His learned friend had also said, that the bill would take away all right of petition, because two magistrates, in the exercise of the discretion invested in them, might disperse the meeting previous to its deliberation or resolutions, on trivial, capricious, and unfounded grounds, and yet was not liable to be called to account for so doing. The learned gentleman was here again mistaken; because in this case, as in any other abuse of power, magistrates would be subject to account and punishment, if they should presume to disperse any public meeting without fair, reasonable, and good grounds.—His learned friend had attempted to fasten a contradiction on the solicitor-general, who maintained that the bill was not only consistent with the liberty of the people, but that it protected and preserved that liberty. This he thought perfectly reconcileable, when fairly stated, inasmuch as the bill left every useful and constitutional liberty untouched, and only restrained the pernicious excess and abuse of it.—Much stress had been laid on the novelty of the measure, and it had been roundly asserted, that it was unknown to the constitution: he wished to remind the House, that new circumstances must always originate new measures in every legislature that did its duty: he denied that it was unknown in principle, and asserted that at all times the constitution contained a principle of exertion adequate to every emergency, and its own protection in particular. The general principle was to allow as much liberty as was consistent with its own security, and the real welfare of the subject; but the actual quantum had often fluctuated in the course of our history, as emergencies arose. The statute of treasons, so much relied on, the 25th Edward 3rd expressly says, "that when new cases arise, recourse must be had to parliament;" and in later times, particularly since the reign of Elizabeth, parliament had interfered in cases much more similar than was generally imagined; they had enacted laws to condemn dangerous tenets, and annexed penalties. This was always done where powerful and active parties attempted to carry dangerous opinions into practical effect. It was to be recollected, that these laws were made solely from motives of political prudence, unconnected with moral guilt. What moral offence was it, for example, to deny the king's title to the crown, or to call him a heretic? History had shown, that these opinions were connected with very wide and deep-rooted practical consequences, and therefore they were condemned, forbidden, and made penal in the highest degree. The same prudent policy of our ancestors had gone farther, and had looked to the connexion of such tenets with the power and disposition of foreign states, and relaxed or strengthened their measures accordingly. In the reigns of Charles 2nd, William 3rd and George 1st, frequent instances of this interference were to be found. The measure was, therefore, in principle, directly warranted by precedent and experience.—The severity of the punishment had also been cited as objectionable; but in the cases alluded to, equal if not greater severity was to be found. If there had not been precisely such a bill, it was because no such precise evil ever existed before; but through the whole current of history, we saw the parliament at times meeting every new evil with new laws, and by so doing our ancestors had laid down the principle, and

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given us the example. In the reign of Edward 6th a more severe act was passed; and to it we owe the preservation of the reformed religion in our church; by which any person who circulated hand-bills, which brought a meeting together, who entered into resolutions inimical to the reformed religion, or called a meeting together by sounding a trumpet, even though he absented himself from the meeting, was liable to the penalties of high treason, if any thing treasonable passed at such meeting so convened. What would the learned gentleman mean to establish by his argument, that, when rebellious and civil wars existed, no such harsh measures were adopted? Did he mean, that we should wait for such an event to apply a remedy? Should we wait to see the calamitous scenes which passed in France re-acted here? Should we wait until a mild and amiable monarch should be led to the block? or, should we not prevent such threatened evils by a timely and temperate interference? Ought government to abdicate itself, by permitting the designs of factious men to overthrow the constitution? With respect to the argument, drawn by his learned friend, from the charge of the judge, and the verdicts of the juries, on the trials of the supposed conspirators, he would only say, that the finding of the grand jury was a proof of the existence of the conspiracy, while the verdicts of the juries went only to the exculpation of individuals charged with being accomplices; it would therefore be absurd for them to say, that they must *stop* from applying remedies to the fact, because the guilt of an individual was not established; for the office of a legislator was governed by very different principles from that of a juror. With regard to the conspiracy, the moral probability remained the same, and the verdicts of the juries did not at all impeach the report of the secret committee. Could the House possibly forget the transactions of the London Corresponding Society? Had it escaped gentlemen's recollection, that they had formerly decided not to petition parliament; that they represented the government and constitution merely as impositions and grievances on the public; that they were chiefly employed in disseminating writings subversive of both; and that on the murder of Louis 16th, they addressed the National Convention, saying, that that unhappy country had arrived at the crisis in which they could properly address them? They came at length, it seemed, to a resolution to petition the king in his way to parliament. In the course of his passage there, he was grossly insulted, and treated with atrocious violence. It had been contended, that there was no legal connexion between the previous meeting and the outrage committed on that occasion; but there was a high degree of probability that the one proceeded from the other. There was, in fact, a natural connexion between the principle avowed and dispersed at that meeting, and the fact that followed. Whether or or no the paper intituled "King-killing" was espoused and circulated at that meeting, Jacobin principles were asserted to the utmost extent; and the former doctrine was only an inference from them. So far had they carried their principles, that they even found fault with the government of France, as not being sufficiently Jacobinical, since it admitted a distinction between those who had property and those who had none; a distinction which Mr. Thelwall had publicly declared to be "infamous;" and regretted that he had not the voice of Stentor, to make himself heard in every part of the assembly. They came to a resolution at the meeting to petition the king, and address the nation. The petition not having been noticed, they declared afterwards, that it was either suppressed or passed over with unfeeling contempt. It remained, therefore, to inquire, whether the bill was such a one as they ought to adopt under the present circumstances? The act would not, he said, prevent any public meeting called by sheriffs, magistrates, or corporations. It even authorized others, under certain conditions, if notice be given by three householders. They must, besides, farther assign the object; and what restraint was it to the known constitutional meetings of the country, to enact that it should not be held if the subject was on the face of it seditious? The magistrate might, however disperse it, if, for whatsoever ostensible cause it was called, the deliberations or resolutions became seditious. One of the clauses prohibited political lectures where money was taken; this was properly meant, to check the pernicious practices of disseminating sedition under the unsuspecting garb of amusement and instruction. At these places the doctrine of holy insurrection

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and sovereignty were blended with amusement: but, in endeavouring to restrain these new-fangled occupations, it was strange to be reproached with limiting the old customs and established usages of the country. To clubs and meetings such as these, and not to the ancient despotism, France had owed all its miseries. For these reasons he heartily approved of the bill.

Mr. *Harrison* said, he abhorred as much as any man the outrage committed on the person of his majesty; he nevertheless could not consent to implicate bodies of men in the atrocious transactions of a few individuals. The pressure of distresses occasioned by the war, together with the high price of provisions, had produced ill-temper, and a disposition among the lower classes, which in a moment of madness, might prompt some of them to make so desperate an attempt: the way to prevent the repetition of such crimes, was not, however by acts of unexampled severity, but by giving them peace, and putting measures in such a train that their distresses might subside. If the necessity for farther laws could be satisfactorily proved, no man would be more ready than himself to promote them; but it had not been shown that the present laws were defective; on the contrary, the crown lawyers themselves had proved them to be sufficient. Should this bill pass, there would be an end of all freedom of debate, of inquiry into the conduct of ministers, and of every means of obtaining a redress of grievances.

The Earl of *Mornington* said, that the circumstances which constituted the necessity for the present measure, and the applicability and competency of the measure to the urgency of the case, struck him so forcibly, that he was surprised so much difference of opinion had arisen upon it; he would therefore endeavour, not without hopes of success, to explain it distinctly to the House. The whole scope of the case resolved itself, in his mind, into three distinct heads of consideration. The first was, did there exist an evil of magnitude sufficient to call for some remedy? Next, was there power in the law, as it stood, adequate to the evil? And, thirdly, was the bill under consideration competent to meet the evil, or did it exceed the degree of power necessary for that purpose? On the second and third of these questions much had already been said; he would therefore confine himself to the first chiefly; and he hoped to make it appear, that there was not to be found, in the whole records of history, any one case that called so loudly for the interference of parliament. Much difference of opinion respecting the meetings lately held had prevailed, and the outrageous assault on that part of the constitution which the House was particularly called on to guard and protect. Upon this gentlemen had spoken, each according to the impression his mind had received, and each referring to a cause correspondent to that impression. One hon. gentleman had said, that it was an accidental outrage. Let the House consider whether it would be possible to persuade the nation, that the sovereign was insulted, and personally assaulted in his way to parliament, by accident, or, in other words, without cause or motive. Gentlemen had corrected themselves, and said, that it was not owing to accident, but to a plot of the government, in order to propagate an opinion of the disloyalty of the nation. In contradiction of those two suppositions, some gentlemen had said, that ministers had endeavoured to prove that the loyalty of the nation was never so high as at present, as if they were determined to contradict their first, second, and third assertions. At the same moment they had farther declared, that it was owing neither to accident nor to a plot of government, but to the feelings of the people, irritated by an unsuccessful war, and a scarcity of bread. On these different assertions, loose and contradictory as they were, he would say but few words. An hon. gentleman had asked, did it ever before happen, that the sacred person of the sovereign was so outraged? To this he would answer, that if it never did happen before, if the minds and character of the people were so changed and brutalized, was not the House to look for some other cause, and inquire what that dark motive could be, that armed the people against their sovereign? And would not that inquiry lead them, by natural and obvious steps, to those societies, whose existence, even the scepticism of the warmest opposers of the bill, could not deny, and whose whole transactions were obviously founded on principles that led directly to the act already commemorated? — He would not refer to former proceedings, or the report of the secret committee, nor would he advert to the trials of the supposed con-

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spirators, but would content himself with intreating the House to recollect, what the principles of those societies had been, simply as matters of fact, and what their own opinions respecting them were, at the beginning of 1795, when they renewed the suspension of the Habeas Corpus act. Having desired gentlemen to keep these points continually in memory, he would farther beg their attention while he took a view of the transactions of the societies since that time; as they came under the observation, not only of himself, but of every one, and were taken from authority not to be doubted; their own writings and publications. At the conclusion of last session, he had hopes that the mischiefs which had arisen to the people of France from the wild principle that every individual had a right to share in the sovereignty, and that it was a violation of that right to admit of any qualification of property in election; that the dreadful examples of the bad consequences arising to all, even the lowest orders of the people of that unhappy country, from that principle, and (to use the words of the detestable Robespierre) from the "despotism of liberty," would have had some influence on the minds of the people, and prevented the farther progress of the same ruinous principles among them: that it would have occurred to them, how very few of all those who rose from the dregs of society, and rioted in the blood and treasure of the nobility and gentry of France, had come to such an end as to leave them just objects of envy; how many of them followed each other to the scaffold, immediately on the heels of those they murdered; how many that stood at the highest pinnacle of elevation on one day, were hurried on the next to the guillotine. He had hopes that these glaring effects of the French revolution would have brought to the minds of those who were engaged in deep adventures here, that, though such men might have a temporary prosperity, that prosperity must necessarily be short, and that their fall would be more rapid than their rise. Full fraught with these hopes, he had given his assent to suffering the expiration of the act for suspending the Habeas Corpus act; but most grievously was he disappointed in his hopes; for he found that the parliament was scarcely prorogued, before those societies again recommenced their former practices upon the public mind, with increased activity, and additional vigour; again held general meetings, and again developed their designs in publications, which stated "that they had suffered a storm; that their vessel was endangered, but now had put to sea with greater prospect of success than ever; that they had the satisfaction to see their principles actively propagating among their countrymen; and that their numbers multiplied at the rate of 150 new members in a week, and sometimes 70 or 80 in a day." It seemed as if the whole of the British nation were convened on this extraordinary occasion; for, upon their own declaration, they had renewed their system, and increased the means of propagating their doctrines. They had told the people what they were to expect from inertness, and what from supplication, and exclaimed, "How long, O foolish countrymen, will you call upon Hercules!" The meaning of which was easy to be understood.—He must again request gentlemen to keep constantly in their view, the principle disclosed by those societies previous to the suspension of the Habeas Corpus act. That principle was adhered to with additional zeal, and the spirit of enforcing it was so far increased, that the House would find these societies criticising and condemning the constitution of France as an imperfect system; inasmuch as the principle of equality had been abandoned; because, in the formation of that constitution, property had been made a necessary qualification in electors, and the right of unlimited universal suffrage had been abandoned. The better to carry their plans into execution, they affected to adopt a pacific system, declaring, as their resolutions stated, "That they did not mean to demand rights with arms, but by certain measures, in such a nature that the House of Commons must accede to them; and that if any despaired of obtaining a reform, and looked for that to riot, they would tell them, that it was not riot that could bring about that revolution which every one must wish for." This pacific system, however, was only to be continued, provided the parliament would voluntarily submit to the absurd and extravagant doctrines of universal suffrage and annual parliaments, which was neither more nor less than a complete surrender of the constitution. The ignorance of the lower classes of the people, who, through prejudice and bad habits, still nursed and cherished a regard for artificial

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distinctions, which they proposed in time to remove, these new legislators stated to be the prop of the constitution; and this ignorance they proposed to remove, in order that the constitution might fall; and this happy accomplishment, this general illumination, they declare, is only to be affected by cheap publications, circulated in different channels to the people, the expenses of which were to be defrayed from the revenue of the society, and any person who chose to take up the trade of a bookseller, and assist in the publication of them, was to be encouraged. He would show the House what sort of light this illumination threw around them; and in doing so, he would speak of three societies concerned in this negociation; the London Corresponding Society, the Society of the Friends of Liberty, and the London Reforming Society. He assured them, he would not quote a single word but from books sold by the printers and booksellers of those societies; printers and booksellers not only employed, but recommended by them, and called patriot booksellers; in whose hands, moreover, the petition of the meeting at Copenhagen-house was left for the purpose of receiving signatures. The tenor of the books from which he quoted, was neither more nor less than to excite the poor to seize the landed property of the kingdom; to stir up the soldiery to mutiny; to degrade and debase the naval and military character, and stigmatize every naval and military success as a misfortune; to represent the administration of justice as corrupt from its very source, and the judges as venal and influenced by the king and his ministers; to mark the nobility as a degraded race, and to invite the people to strike them from their seats; to represent monarchy as a burthen, and an hereditary monarchy as useless, absurd, and founded on false principles, and to take every opportunity of ridiculing the person of our sovereign with the most immoderate licentiousness; to recommend regicide, as he would presently undertake to show, to blaspheme the scriptures, and revile religion, as accessaries to the system which they condemn as ruinous, oppressive, and corrupt; and lastly, to decry the established church and constitution, till they had wrought the people to that pitch of frantic rage, that would inevitably end in their pulling down the pillar of the state, and burying the whole fabric in one undistinguishable mass of ruin.—He proceeded to read the publications alluded to in elucidation of the propositions before stated; and first, he read from a pamphlet, "that the landed property of the country was originally got by conquest, or by encroachment on the property of the people; and as those public robbers, who had so obtained its possession, had shown no moderation in the use of it, it would not be fit to neglect the precious opportunity of recovering their rights, a few hearty fellows, with arms, &c. might take possession of the whole; a particular committee be appointed to receive it; all the possessors be called upon to deliver up to that committee their writings and documents, in order to be burned; and the owners be made to disgorge the last payment of their tenants, in order to form a fund for 'good citizens;' and if the aristocracy arose in resistance, let the people be firm, and dispatch them, cutting them off root and branch." This was published by a bookseller and printer, at whose house the Copenhagen-house petition of the 12th of November lay to be signed. One passage he thought it necessary to read, as it contained a direct incitement to regicide. It was a definition of a guillotine, "An instrument (as they called it) of rare invention. As it is the custom to decapitate and not hang kings, it is proper to have this instrument ready to make death easy to them, supposing a necessity of cutting them off. This instrument is used only for great malefactors, such as kings, bishops, and prime ministers. England and France have had their regular turns in executing their kings! France did it last, &c. &c." and, in conclusion, Ankerstroem and Damiens, the two regicides were held up to the reverence of mankind. This too, was from a printer, given to the public by the societies, in the list of patriotic printers. [Name him, name him, came from all parts of the House.] Citizen Lee, said his lordship.—What can the House now suppose is the tendency of this pacific system, this bloodless conquest? Sir, would it not be supposed, that, instead of being the production of Englishmen, this foul, most foul treason—[Hear, hear!] I do not say, that if brought in the judgment of a court it would be decided to be treason; but I will maintain, that the heart that uttered it was the heart of as foul a traitor as ever raised the dagger of a parricide. It is not even English treason. No, Sir; it is all French treason. Would not one ra-

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ther suppose that I was reading the bloody page of Marat, or the sanguinary code of Robespierre, than the production of an Englishman? On his own knowledge, his lordship said, he could venture to state, unequivocally, that a production intituled "King-killing," and another, "the Reign of George the Last," were sold at Copenhagen-house. Under such impressions as these, did the persons assembled go there to discuss political subjects? There the present scarcity was attributed, not to failure of crops, but to parliamentary corruption. He wished the House to consider what the effect of such topics on minds so prepared must have been. This was not all that had passed. The people were taught that they had no hope left from legislative or executive powers, but that they were to look to themselves alone, since they could hope for no redress from the constituted authorities. One circumstance more remained to be mentioned, which was, that when all the nation was in consternation and horror at the insult offered to his majesty, a printer had the audacity to publish a libel, in which the whole of the circumstances were misrepresented, to excite the ridicule and contempt of the people. He left the House to determine, from these indisputable facts, whether there was not an obvious connexion between the societies and that outrage. It had been said, that this was a libel upon Englishmen, who have been educated in rational freedom, and could never be so lost to the sense of their interest as to violate the blessings they enjoy. Would the hon. gentleman who asserted this, deny that other free nations have suffered by the dissemination of these doctrines, that America, and more particularly Geneva, were not injured by them? Be it remembered, that revolutions are frequent with republican governments; in Geneva such evils were less likely in consequence of their habits of order and religion. The only revolution which had been marked with blood there, and where the priests were murdered was the late one. The smallness of the numbers who entertained these opinions was also an objection; but let the hon. gentleman recollect, that the number of those were small who accomplished the French revolution, who brought about the massacres of the 10th of August and 2d of September; and they were small too in their numbers who caused the commotions in Geneva. Would you, he asked, because the constitutions of the people of England are strong, feed them with poison? His lordship declined entering on the discussion of the remaining points; he had however felt himself bound by his duty to the House and to the public, to state thus much; and he left it to others, who were blessed with better health and more vigour, to deal with the other parts of the subject.

Mr. *Sheridan* said, that some things had fallen from the noble lord upon which it was impossible for him to remain silent. Exactly two years ago, at the opening of the session, he remembered to have seen the noble lord with the same sonorous voice, the same placid countenance, in the same attitude, leaning gracefully upon the table, and giving an account from shreds and patches of Brissot, that the French republic would last but a few months longer. Unfortunately for the credit of the noble lord, not one word of all his predictions had come to pass. He believed the noble lord was as much in the right in predicting that a revolution would follow, from the proceedings of certain societies, as he had been in his former predictions of the rapidly approaching ruin and destruction of the French Republic. The arguments the noble lord had made use of, to prove the connexion between the proceedings of the London Corresponding Society, and the accidental outrage that had been offered to the person of the sovereign, neither dazzled his sight nor satisfied his understanding. The more closely to follow the noble lord through his elaborate composition, he would begin with his first argument, that such an insult as that offered to his majesty had never been before attempted. He most sincerely wished the fact were otherwise; but, unfortunately, there had been many instances of similar misconduct, among which, one that took place at the Middlesex election. Assuming that as an historical fact, which was not true, the noble lord had endeavoured to establish the proofs of his connexion; and after examining a variety of causes, none of which could at all apply, he looked about for another cause, and found one novel and extraordinary, namely, the societies. Surely the noble lord had forgotten, that long before his majesty's procession to parliament, and long before the meeting at Copenhagen-house, there were tumults and disorders in various parts of the kingdom, which he believed the noble lord, with all his ingenuity, could not be able

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to fasten on the societies. In those transactions clearly there could be no connexion. He should therefore attribute the outrage to no other cause than the pressure of extreme distress. Might not men, returning home to their starving families, which they were not able to support, from the extreme irritation of the moment, and the delusion of confounding the acts of the minister, with the authority of the monarch, be guilty of outrages which they would repent of in their cooler moments? This was no extravagant argument. It had been the cause which produced one distress, and was capable of producing another.—The noble lord had represented the lower classes of the people of all countries to be alike. This was a gross misrepresentation. Nothing could be more false and absurd, than to suppose, that a people, bred up in a free country, and in the habits of enjoying and considering their rights, would ever conduct themselves like slaves just rescued from a vile, grinding, and infamous despotism. The noble lord had mentioned the republic of Geneva. Would he compare the people of that miserable state, always subject to the domination of Savoy or France, with the inhabitants of the great, the proud, and the powerful British nation? The noble lord had also made a comparison with America. What was there in America, except a safe, wise, and prosperous people, and an admirable president? What had been the effect? Had not the American states avoided a quarrel with this country, and made an advantageous treaty with us? Had they not preserved their constitution and their liberties? Did not their commerce flourish? By what mode of argument, then, would the noble lord make use of the insinuation of the American states, to prove the danger to which we were liable in this country, from the dissemination of these new principles? They who accused the English people of treason and rebellion, who charged them with being prone to commit outrages and excesses, were not judges of the sort of stuff of which the human heart was made; and particularly an Englishman's, when they hazarded such assertions. The reason of their ignorance was plain; because, from their own natural pride, they had always kept aloof from the people, and were now obliged to do so, in consequence of the calamitous war they had engaged in, and the disastrous consequences it had produced. Hence, because six or seven people, as ignorant of human nature and the hearts of Englishmen, as the minister, had stupidly imagined, that they could do this, and that, and the other, and electrify the whole nation by a few violent pamphlets, they were taught to believe, that a great body of people is in a state of actual rebellion. It was impossible to presume to doubt the ignorance of those men, when they acted in the same parallel with men in high situations. The noble lord had affirmed that it was foul treason which had been published by citizen Lee. If it was foul treason, why did not the attorney-general prosecute citizen Lee? The noble lord was indignant also, because his learned friend had expressed his disapprobation at the unfair attempt to divide the rich, and set them in array against the poor; and yet this division must be the necessary consequence of the measures which the ministers are pursuing. They who hold out the mass of the poor to be capable of such enormities as the French have perpetrated, do, in fact, set the rich against them; and the consequence must be, that the poor will be stung and goaded on to acts of resentment. If the House did not consent to go into the proofs of this treason before a committee of inquiry, they had no right whatever to assent to the bill. If they were content with bare assertion, he would assert also, and deny that citizen Lee was printer to the societies. As to the doctrine of king-killing, he knew the majority of the people held it in detestation; but if a fool, a madman, or a traitor, as ignorant as the ministers, believed such sentiments were popular, was it to be deemed a sufficient proof of their existence?—It was not difficult to see the views with which these pretended plots were brought forward. Ministers wished to raise groundless alarms. He had twice in that House mentioned the bow and arrow, or pop-gun plot, as it was termed. Ministers, he maintained, had kept in prison the persons accused of it, whom they knew to be innocent. They had offered to liberate them upon giving bail. If these persons were innocent, why were they suffered to lie in prison? If they were guilty, why had the officers of justice liberated them on bail? Was it possible that the House could be satisfied with the miserable proofs adduced by the noble lord? The noble lord had been looking for plots with the utmost diligence and industry, but he could find none. Would the House

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decide the most important subject ever offered to their consideration, upon vile scraps, and paltry passages from pamphlets, collected by rummaging old book shops, and turning up the dirt of every stall in London? Good God! in what place was it that he spoke? To whom did he address himself? How would the members face their constituents, after sacrificing every thing held valuable by their ancestors, if they should agree to make that sacrifice without all the proofs, which the nature of the case would admit? What might convince them, might not have the same effect upon others. They should consider that they were all of them the servants of the people of England. They voted and acted in that House not in their individual capacity, but as agents and attornies for others; and they would not perform their duty, if they could not satisfy the reasonable inquiries of their constituents.—This measure, he was satisfied, would create that disaffection and encourage those plots, the supposed existence of which was made the pretext for its adoption. He deprecated nothing more than a revolution; but he believed it was not impossible that the people might be driven to some violent remedy, rendered by circumstances plausible, if not necessary. He apprehended little from the temper and discontent of the people, except this bill provoked their anger and their indignation. It might create discontents, and render a remedy desperate as theirs would be whenever they were driven to it, both plausible and necessary. The British nation was a grateful nation; and let gentlemen who heard him, recollect whether they had ever seen a poor labouring man unthankful in his return for their bounty. It was not in the nature or the heart of Englishmen. If government were bounteous, they would not find the people dissatisfied.

Mr. Secretary *Dundas* said, that so far from feeling that the rights, liberties, and happiness of the people would be invaded by the bill, he was convinced, that they could not be effectually preserved to them, if some such measure as the present was not immediately adopted. In his opinion, if some measure was not adopted, the House would criminally neglect the safety of the constitution. He reprobated the idea of a learned gentleman, who had charged the higher orders of the people with intending to separate their interests from those of the lower. Such an accusation, he hesitated not to declare, a gross calumny. If ever there was a country in which these classes were united; in which, from the humblest cottager to the monarch on the throne, all ranks of society were cemented and connected by one continued chain, each giving assistance to the others, it was the country in which we lived. The union of these orders appeared from the connexion between master and servant, landlord and tenant, and, above all, from the innumerable charities that were every where established, from the parochial rates, and from various other benevolent institutions, which would prove to the people that they were under the peculiar care of those whom Providence had placed over them. This very calumny against the higher orders of society formed a part of that dangerous system, against which they were called upon to protect the country. The hon. gentleman who spoke last had stated several facts to the House; he would not dispute the powers of eloquence with which that hon. gentleman had dressed them; but he would assert that they had no existence but in his imagination. He did not mean to say that the war had not occasioned some calamities. But he begged leave to say distinctly, that whatever were the calamities of the war, and the evils resulting from the scarcity, it could not be proved that they had given rise to the opinions he so much reprobated as mischievous and baneful. What was the state of the country in 1791 and 1792? Where then was either war or scarcity? The nation was in the most happy and flourishing condition. Yet was it not equally true, that then, as at present, these principles had broken out, and manifested their operation in a progressive course of sedition? It was evident, therefore, that these were but pretexts, tending to inflame and agitate the humbler classes of the community. The wants of the lower orders had received the best alleviations from the attention of the wealthy in their own districts. Among other arguments urged against the bill, it had been contended that the Bill of Rights was invaded by it. He denied that there was any thing in that memorable and sacred declaration of our liberties, more than in any act of parliament, which barred them from taking the present measures; nothing that prevented them from revising, altering, or suspending its pro-

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visions, as the weighty exigencies of the times might demand. Perhaps there was something in the riot act that was not strictly reconcileable with the bill: the Habeas Corpus too, in its suspension, stood upon a similar footing with the present measure. By the Bill of Rights they were allowed to wear defensive arms: there was no doubt of it; a man might do so; and yet the government had since, by the authority of salutary and well-timed statutes, disarmed whole districts in the northern part of the kingdom; and he never could allow himself to forget that the restriction of this privilege had been extended throughout whole counties. Venerating, as he did, almost to idolatry, those ancestors to whom we were indebted for the Bill of Rights, supremely valuable as that recognition of the rights of the people was, it was obtained by the demand of the Houses of Parliament, and it had been obtained by the parliament only. He saw now, however principles of action far different from those which governed the illustrious leaders of that glorious Revolution, actuating and impelling those gentlemen who continually profess their admiration of that event. The great patriots of that day were accustomed to look for the safeguard of their liberties, their property, and their religion, only from the energy and wisdom of parliament; whereas, the modern doctrine was that every good was to be expected from popular assemblies.—It was objected to the bill, that it prevented the right of petitioning; so far from preventing the right of petitioning, it in fact secured it by directing it to its proper channel. Whatever good had been done by petitioning, he would venture to assert, had been entirely done by petitions under the protection of established laws, and not by tumultuous meetings; such meetings might produce anarchy, but they could never be advantageous to the constitution. If gentlemen would reflect on the cases in which petitions had tended to secure the liberty of the people, they would find that they had not originated from popular conventions irregularly held, but from legal assemblies called together by constituted authorities. The petitions presented on the Excise bill and the India bill, were sufficient proofs of this. He deprecated the idea of insinuating suspicions of improper conduct in magistrates, and said it tended materially to weaken the necessary authority of men in public situations. With regard to popular meetings, a right hon. gentleman (Mr. Fox) had stood forward more frequently than any other political character in appeals to the people. He had displayed the most extraordinary willingness to resort to them; so that it frequently happened that he was without the door of the House attacking ministers with invective and asperity one half of the day, where they had no means of defending themselves, and during the other half combating them within those walls with the most determined inveteracy. At one time, in order to excite the indignation of the public against ministers, for their prosecution of the American war, the right hon. gentleman had displayed his oratorical talents on a stage erected for that purpose in Westminster-hall, with as little effect, however, as to the avowed purport of his design at that time, as there was ground to apprehend would be the case with respect to his exertions on a late occasion. Yet it had happened, that he was induced, no doubt from conscientious motives to acknowledge the virtues, and connect himself with the political conduct of those whom he had reprobated for so many years with every possible bitterness and severity. Immediately after he had withdrawn himself from the administration of the earl of Shelburne, the right hon. gentleman had again appealed to his favourite popular meeting, at which no doubt, many individuals were vehemently assailed, who had no means of defending themselves; a line of combat neither candid nor fair. Let the House recollect the associations in the year 1780; associations, which, though, commenced without any settled design, proved fatal in their consequences. Had the bill before the House existed at that time, would the lives, liberty, and property of Englishmen have been so dreadfully violated, as they were in consequence of the meeting held in St. George's-fields? An unfortunate, but deluded, nobleman had then the audacity to say, that, unless the House of Commons acceded to the object of their petition, he would require their assent at the head of 100,000 men. Since, then, they had experienced such a lamentable instance of the dangers resulting from popular meetings; since they had seen the evils which threatened the constitution, from such combination, would they hesitate to pass a bill which could, in no view, be said to take away the right of the subject, and which only directed it to

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a proper object? They ought to take care how they played with the prejudices of a mob: they were not safe weapons to sport with. Nothing could be more dangerous in a legislature, than to hold up the doctrine of resistance to the people. That it was a rule to be laid down was by no means true; as resistance never could form a part of government. It must arise from the dissolution of government; nor could he avoid noticing the criminal indecency of imputing arbitrary motives to one part of the government, and of calling upon the legislature, which was one branch of government, to listen to imputations upon another. Whatever might be the conduct of the right hon. gentleman in the years 1782 and 1783, he well recollected, that from 1770 to 1774, he had not resorted to any means that the wisdom of parliament did not suggest, though when he said this, he was aware that there might be circumstances suited to particular periods of a man's life, and maturer age might not choose to adopt the conduct of youth. The right hon. gentleman, from his earliest knowledge of him, had been a friend to the system of popular meetings; but he doubted much whether he had imbibed any good principle from that system, or established any good principle by it. A large assembly had been convened the other day at which the right hon. gentleman presided, and he had no doubt he had exerted himself with great activity and uncommon powers of voice; but could the 30,000 people, who were reported to be present, have been all benefitted by his greatest exertion of his faculties? He had certainly been much applauded. Had not those, however, who were with him on the scaffold, shared, in that applause? He had always admired the right hon. gentleman's talents, but he seriously thought they might be displayed more usefully than on such occasions. That House he considered as a more proper stage on which that right hon. gentleman might display his abilities. "I know (said Mr. Dundas) he is able to battle us all." If the majority of the 30,000, who attended the meeting, had remained at home in the exercise of honest industry, for the maintenance of their wives and children, it would have been better for society. The food dealt out to them from the rostrum, was not the most wholesome; and, it was to be remembered, that such as it was, the wives of the men present had not their share of it. If any good could come of these self-constituted meetings it would be by placing them under the eye of the legislature. Indeed, he had flattered himself, that after the trials of Hardy and others, the good sense of the nation would have checked their farther progress: but the meetings in St. George's-fields and Copenhagen-house had dissipated these hopes. Meetings of this kind would now therefore be placed under the direction of a magistrate acting at his peril. To the assertion that ministers had denied proof, he replied, that public notoriety was the best ground of proof; and the whole country had declared that some strong and efficacious remedy was necessary. He put it to the wisdom of the House, whether, under all the existing circumstances it was right that any individual should have the power of assembling people for any business he thought proper. Between trusting to the discretion of individuals on the one hand, and the discretion of the magistrate on the other, he could not see the smallest room to hesitate.

Mr. *Fox* said, that if he possessed much of that vanity, which the right hon. gentleman had been pleased to impute to him, it would have been no small gratification to him to have formed the subject of not merely one or two or three, but at least of four different speeches, which he recollected the right hon. gentleman, considerable in abilities himself, high in situation, and great in power, to have made upon his character and public conduct. On several occasions, he remembered to have been publicly addressed from the same quarter, in a similar style of catechism, upon his opinion respecting the extent and mode of reform in parliament, and respecting his sentiments upon the influence of the crown and the proper limits of the royal prerogative. The right hon. secretary had at that time received several hints from his right hon. friend near him (the chancellor of the exchequer), not to push his inquiries too far. On the present occasion, however, he was not fortunate enough to reap the benefit of so kind a hint, and therefore he would answer the different questions in the catechism, with all the plainness and sincerity in his power. The first inquiry of the right hon. secretary related to his conduct in the famous Middlesex election: in reply to which he was at liberty, to affirm, that while he gave his decided opinion in fa-

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vour of the sovereignty of parliamentary law, he never had uttered any sentiment which was in the least unfavourable to the right which the people indisputably possessed of expressing their sense of every public measure. From the Middlesex election the right hon. secretary had proceeded to catechise him upon his conduct during the American war, and by talking of his erecting a stage without doors, he seemed to speak with some contempt of the manner in which he (Mr. Fox) had acted at certain meetings, that were held at Westminster hall and other places, upon these occasions: he found himself accused with having pronounced invectives against persons who were then in high authority. The right hon. gentleman had forgotten the conduct which his right hon. friend (Mr. Pitt) had adopted, and those eloquent speeches he had at that time delivered, in which public harangues to the people were described as the most agreeable and most useful duty which representatives in parliament could discharge to their constituents. In answer to the charge, that he had, in a personal manner, attacked those who had no opportunity of appearing in their own defence, he had to say, that it was the duty of every man, and particularly of every member of parliament, when the conduct of the executive government was called in question, to represent the characters and conduct of members in their true colours. What was the use or the value of a popular meeting, upon a political subject, without that freedom? At meetings held in Yorkshire and other places at that time, such had been the practice of others. Although he had then spoken freely of government, when he opposed its measures, he was willing to allow others to oppose him. In the year 1784, for instance, the House would recollect what had happened. Mr. Burke, in his emphatical language, had called the parliamentary conduct of some gentlemen the revolution of 1784. In that year, the House could not have forgotten how he had been opposed; what invectives had been employed against him, and those in places, where, as the right hon. gentleman had said, he could not be present to answer. Did he ever make one unmanly murmur upon that occasion? Did he ever complain of that invective? Did he ever say one word against the sacred right of the people to assemble and freely discuss political subjects when those discussions were against him? Never in any one instance had he uttered a syllable that went to question the right, or to blame the practice, of holding public meetings of the people. He had endeavoured to answer much of the reasoning that had been urged against him at these meetings; but he had not said a word against the propriety of holding them. What was the principle of the present bill? To restrain the exercise of free discussion at all those meetings.

The right hon. secretary had asked, what advantages had resulted to the country from those political meetings during the American war? He did not mean to arrogate to himself any extraordinary share in the opposition which he made to that war. It did not become him to say much upon that subject; he trusted he might, however, be pardoned, if he said that the popular meetings in question, tended to hasten the conclusion of that war. Was the right hon. gentleman of that opinion, or was he not? What did he think of the meetings that were held at Norwich and at other places? Upon this head the right hon. secretary might have some information from one of his present friends, if he wanted any information. Those measures went farther than to put an end to the war; they contributed to the correction of some of the abuses of administration, since the celebrated bill of Mr. Burke, which did that gentleman so much honour, was founded on those measures. Perhaps he should be told, that all the meetings that had any effect (indeed, he had been told so already), were called by the sheriff, and that all that was said at the meeting at Westminster had no effect, because it was not a meeting which had that authority. He wished to know what magic there was in a meeting that was called by the sheriff, in preference to any other public meeting? So much of the subject, therefore, as related to public meetings, he recollected with pleasure and satisfaction. Public meetings had contributed to put an end to the American war: and if he had said some things against any of those individuals who advised it, he was consoled with the reflection, that if he had helped to shorten that destructive war only one year, he had contributed to prevent the increase of the number of helpless orphans and mourning widows—he had contributed to lessen the distress of the poor and friendless. Let him not be told, then, that he had acted

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an unmanly part, by frequenting those public meetings. He must again say, that if there was any glory in putting an end to the American war, he should be proud to hear that he had, in common with others, a share in that glory. When the right hon. secretary talked of invectives thrown out at those public meetings, against persons who were not present, he would recommend to him to reflect on what had happened the day before at the meeting at Palace-yard. He knew, and if necessary, he could prove, that there had been manifested a good deal of zeal: in fact, an active canvass had taken place on the part of ministers, in order that their friends might attend that meeting. Messages were sent about, stating that it would be agreeable to government if their friends took care to be present. The consequence was, an attendance was procured, and many friends to government, persons of authority, were there, among whom was his noble colleague, lord Hood, and two hon. gentlemen in his eye (Messrs. Canning and Jenkinson); he hoped, therefore, the right hon. gentleman would not complain that any attacks had been made on ministers in the absence of their friends that day.

The right hon. gentleman had also accused him of having altered his course for some years with regard to public meetings; that he had been fond of attending them in the earlier part of his parliamentary life, but that he had of late declined them. He admitted the observation to be founded in truth; the reason was, that for some time past he did not see that his attendance at public meetings could be of any use to the public: whenever he thought it might become so, he was ready to attend; and this he thought a part of his public duty, whatever opinions other persons might entertain upon that subject. If ever such attendance had been necessary, it was so at this time; when the constitution was attacked, it was the duty of every man to exert himself in its defence: he should therefore give all the authority he could pretend to, to such meetings, for the purpose of supporting the rights and liberties of the people. Avowing that for his motive, he was ready to meet any ministerial censure that might be cast upon him. The right hon. gentleman had asked him, if he thought that any efforts of his could be heard with attention? and whether he imagined his eloquence could make any impression on such a multitude as thirty thousand? He had no such idea; he had nevertheless used all his endeavours to explain to them the nature of the subject which they had to consider. The right hon. gentleman had also asked, whether he thought they applauded him? His answer was, that he was not so vain as to expect it; he attended not for the purpose of receiving applause, or commanding assent; he went for the purpose of learning the sense of his constituents on the most important political topic which could be presented for their deliberation. It was, he confessed, somewhat unpleasant, particularly at his time of life, to attend popular meetings; the labour and fatigue, however, he considered as the merest trifles, when compared with the fate of the question which had yesterday been submitted to the inhabitants of Westminster, whose applause at the meeting arose from the feeling which those present had of the propriety of the measure they were met to adopt. This arose out of the detestation they felt for the bill before the House. In that view he saw the utility of such meetings, and it was on that ground that he attended them. At that meeting the bill met what it ought to meet, and what, if the public had any regard for their liberties, it would meet all over the kingdom—general execration and abhorrence. Execration that would be increased in consequence of certain opinions that had been lately delivered in that House. The more the public had that feeling (which, thank God, they began to manifest), the more he thought it his duty to give such meetings his countenance; meetings on which, perhaps depended at this moment, the very essence of our constitution. That was his firm and sincere opinion; and that he believed to be the opinion of the public; for very plain and very decided language must at this moment be spoken to save the country from absolute ruin.

The right hon. gentleman had been pleased to pay him compliments on his talents, and had intimated a wish that they should never be exercised any where but in that House. To this he would answer, that he attended that House not for pleasure, but for duty; and he trusted that his attendance there might be more or less useful to the public; of how much use it was, it did not become him to determine. The right hon. gentleman had then asked, if he expected to convince

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that great multitude by his eloquence? Most certainly he did not; as little did he expect to convince that House. It had been said, that the majority of that multitude came pre-determined; perhaps they did. Did the majority of that House come wholly undetermined? Was there no resemblance between the House and that meeting in that respect? He had some experience of the House; and whenever he wholly despaired of persuading the majority of the House on points where the constitution was at stake, he thought attending such meetings as those alluded to useful, because it tended to enable him to arrive at the opinion of the public. Let this be stated to the House; and if this had no effect upon it, his attendance there would be useless, and even burthensome.

It was matter worthy of observation, that the debates on the bill had afforded the first occasion, since the accession of the House of Brunswick to the throne, of an open and parliamentary espousal of the cause of the House of Stuart. On the preceding night it had been said by an hon. baronet (sir F. Basset), and the idea had been borrowed that evening by the solicitor-general, that even if there had been a revolution in the reigns of George the 1st and 2nd, it would not have been accompanied with the same dangers which would flow from a similar event taking place at the present crisis; as in the former case, the descendants of the House of Stuart might have been reinstated on the throne; whereas, at the present moment, anarchy, and a general dissolution of all the principles of civilized society, would follow any dispute about the constitutional rights of the sovereign. This was Jacobitism in perfection, and he was not at all surprised at hearing Jacobites come forward with such reasonings. What would the House of Stuart have done, had they been established on the throne? They would have introduced the Catholic instead of the Protestant religion. They would, perhaps, have put an end to parliaments, resumed the rights of juries, and subverted the liberty of the press. They would not, it was said, have invaded the rights of property, nor invented the detestable name of French equality, the inroads of which our British heroes swear by their lives and fortunes to resist. But if in the choice of dangers, a man must forfeit his life and property, in order to avoid a greater evil (for the blessings of the constitution were out of the question, under the government of the Stuarts,) whatever may be the theoretical distinction, there was very little practical difference between the one or other alternative.

The right hon. gentleman had deprecated the idea of the legislature adopting the doctrine of resistance as a practical principle, though, at the same time, he allowed, that resistance must inevitably follow from a system of oppression long pursued. A most worthy and enlightened man (general La Fayette), in a neighbouring kingdom, which it was the fashion to refer to for instances of atrocious criminality, had affirmed resistance to be the most holy of duties, which the people of England were called to exercise; and perhaps the difference between him and the right hon. secretary would, on a second thought, appear but trifling. No man ever supposed that the legislature should adopt the doctrine of resistance, as a direct and practical maxim, though every man was convinced, and even the speech of the right hon. secretary himself strengthened the conviction, that resistance, in certain circumstances, was impossible to be avoided. With respect to the right which parliament possessed, of altering the Bill of Rights, he agreed with the right hon. secretary. He never could consent to the proposition that there were some fundamental laws of the constitution which parliament was incompetent to alter. They certainly were competent to make any alterations in the code either of civil or criminal law, so far as their acts would necessarily be recognized in the decisions of all the various courts of judicature in the kingdom. But though they might be competent in point of power, it would not be prudential or expedient in many cases to use that power. There were many laws of the constitution which never ought to be repealed, and many privileges of the people which never ought to be invaded. Parliament had been represented as the only source of redress, and infallible object of public confidence. But who did not know, that if our ancestors had trusted every thing to parliament, their posterity would not have inherited that constitution which it has been their happiness to enjoy; and that the provision for petitioning the legislature would never have found admittance into the Bill of Rights. Even in the reign of king William, the marquis of Hartington moved, in

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the House of Commons, for a power to be vested in the people of petitioning his majesty to hold or dissolve the parliament, and to remove the grievances to which it might be their fate to be subjected. Perhaps he might be laughed at for the superstitious veneration in which he held the names of some great and ancient families in the kingdom. There was no one for which he had a more profound respect than that of Cavendish; and sorry was he to see, that in a question of such great constitutional importance, not one of that illustrious family, who had so many seats in parliament, was to be found either in the minority or the adverse ranks.

He defended the sentiments of his learned friend (Mr. Erskine), which had been misunderstood or misrepresented by the right hon. secretary. His learned friend did not mean, and no man who pretended to the character of a statesman, he was convinced, would presume to say that property ought not to have great political weight. But even the right hon. gentleman himself would not contend, that property had an exclusive right of thinking and speaking upon subjects of constitutional importance. This would be to rob man of his natural and indefeasible rights, and to reduce society to its original elements. In another place, report declared that a person of high authority, considerable talents, and great learning (the bishop of Rochester), had said, that the mass of the people had nothing to do with the laws, but to obey them. And this strange assertion had been made by a member of that order, who beyond all others were taught in their religion to recognize the natural equality of man. But he trusted that the people of England would not tamely surrender their indisputable and hereditary right, whatever inclination an arbitrary minister or a supercilious prelate might betray, to wrest them out of their possession. How absurd was it that because a man had not the good fortune to have a freehold qualification of forty shillings valued rent, he must not be allowed to speak his sentiments on subjects which involve his dearest and most important concerns! At present he would not enter into the arguments for and against parliamentary reform. The sum of the argument on the one side was, that the people of the country were not equally represented; and the only answer bearing the smallest semblance of speciousness, which had been made, was, that though the people were not equally and individually represented, the aggregate body was to all intents and purposes, virtually represented; and that, for instance, the member for Westminster was equally zealous in promoting the general interest of the country, as he was in consulting the more immediate interests of his constituents. From this reasoning, the inference which naturally occurred was this, that they who had not an equal influence in choosing representatives in parliament, and who, in fact, had none, should by the exercise of petition have an opportunity of making their grievances known to those who were the virtual representatives of the nation. Whereas, in the present bill the privileges of petition, as well as the powers of election, were confined to boroughs and corporations who actually had representatives whom they had it in their power to entrust with the exercise of their functions. Would it not be much more suitable and becoming to extend this privilege to the poor householders, and the millions of unrepresented people in the country who have no other medium through which to make known their grievances, and to pour in their complaints? Deprive them of this right of petitioning, and you take from them all that is valuable in their political existence. In this view, then, the bill went to institute a fatal distinction between the constituents and non-constituents in the kingdom; a distinction which was sufficient to destroy the harmony and peace of the country; to confute the only argument which could be adduced in opposition to parliamentary reform, and to convert the government of the country into an aristocracy, or an oligarchy.

He then proceeded to inquire how far the bill actually went in its provisions, to limit the right of petitioning. The sheriff must call the meeting. But what was to be done, if he refuse to call a meeting upon a subject of pressing importance? Can a meeting be held without his permission or not? But was not the sheriff an officer nominated by the crown; and what a mockery was it, to solicit permission from the crown, to meet in order to petition the crown? Suppose, for instance, that the object of the petition were to be a dissolution of parliament, would the crown countenance a petition for any such purpose, as long as the king found it for his interest to retain the parliament then in being? On the supposition that redress of public grievances was

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the object, how could the people expect the countenance of those men to such an object, from whom all their grievances proceeded, and who afforded the real cause of complaint? The first clause, however, was not the least exceptionable; after the meeting had been convened, a justice of peace might under various pretences, dissolve it; so that its proceedings were to be entirely subject to his caprice. Suppose, for example, that a petition for a reform in parliament was to be the subject which occupied the attention of the meeting; the magistrate might take it into his head, that the very idea conveyed an implied contempt of the present organization of the House of Commons, and under this impression, might order it immediately to disperse under pain of military execution, before any of the purposes of the meeting were answered. All is referred to a discretionary power, which can be amenable to no earthly tribunal, as no man is accountable for the errors of his understanding.

He applied this reasoning to the meeting at Copenhagen House, the object of which he contended to be strictly legal, whatever were the forms of the petitions which were then drawn up, but an object which would have been resisted *à principio*, had the bill now pending been previously in force. There was another clause which was almost too ridiculous to mention, namely, that which prohibited all public lectures delivered for money. What would become of the professors of the different sciences in the universities? Would they not be clearly involved in the operation of this clause? But even in its most qualified construction, he could not conceive by what principle of policy a man was to be prohibited from acquiring his subsistence by instructing the people in the principles of the constitution. Of Mr. Thelwall and his lectures, he was entirely ignorant. If, however, they were innocent, why should he be disturbed? If they were seditious and treasonable, why was he not prosecuted under the existing statutes? The same observations applied to the papers which had been read by the noble lord (Mornington): if they were treasonable, the authors of them were amenable to the treason laws. He would not be understood as delivering an opinion whether they were or not, nor even whether every seditious paper which was circulated ought to be submitted to the course of law. He rather thought that a judicious selection of the most glaring and dangerous ought to be made by the attorney-general.

He then adverted to the general principle of the bill in the most animated and pointed terms. It was not he said, a blow at the outworks of the constitution —it was a daring attempt to subvert its very foundation. Upon the liberty of the press and freedom of discussion, the basis of the constitution was known to rest. Take away these, and the whole fabric must fall. No man would deny that there were many abuses and defects in the practice of the constitution. Its chief value consisted in the excellence of the foundation; and when that was destroyed, the rest would not be worth preserving. For almost any other shock which it could have received, a remedy might have been found. Had parliament thought proper to alter the succession to the crown from the present family on the throne, dreadful convulsions would no doubt have ensued, but the investiture of a new prince with the sovereign power might have quieted the commotion. Had parliament made a bold and open attack upon the trial by jury, a speedy remedy would have been found in the deluge of argument and declamation which would immediately have issued from the press. Petitions would have been poured in, remonstrating against the assault on public liberty; and the voice of the people raised with unanimity and firmness, would have awed the proudest minister into submission. But when the power of speaking was taken away, what was there left but the patience of implicit submission? What hopes could be entertained that grievances would be removed when those who felt them dared not complain? In such a case, it would give him but little anxiety that a spirit of resistance was found impossible to be suppressed. At present he believed a spirit of discontent to be pretty general in the country, and he had no hesitation in saying, that it originated in a bad government, in wicked and ruinous measures, and in the blind and unmeaning confidence which the people had reposed in an unfortunate and desperate administration. The discontent might, perhaps, exist in some degree previous to the war, but he affirmed that it had spread since to a much more alarming extent. If the discontent originated in French principles, it was indebted for its currency to the measures of

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British ministers. He wished to bring them to issue upon this point. They said the people of England were loyal; so said he, They asserted that there were malcontents in the country; in this also he agreed. But he would ask, whether the danger to be apprehended from French principles, was greater now or two years ago? Let them say either the one or the other; but he intreated them, for God's sake, not to say both. For his own part, he thought it was greater. If it was, he demanded if the increase of danger was not owing to the calamitous war which was unjustly commenced, and had been unfortunately prosecuted? If the danger was diminished, why would they apply a more hazardous remedy than when the disease was described as raging with its utmost fury? Whatever was the degree of danger in which the country now stood, he was firmly of opinion, that it would be increased rather than lessened by the remedy proposed. The danger had principally arisen from a system of terror, which ministers had adopted; and the most effectual mode of protracting the danger was by continuing this system, of which the present bill seemed to form a most prominent part.

He next adverted to what had been said of the danger of universal suffrage and annual parliaments. They had been represented as the cause of the subversion of the old French government, and they were described as the instrument employed by the Corresponding Society, to demolish the British constitution. He professed himself no friend to either; but he quoted the high authority of the duke of Richmond, by whom they had been supported, and drew this inference, that the opinions of those in the higher and lower stations of society were treated in a very different style of respect. When the members of corresponding societies think now, as the duke of Richmond thought some years ago, there is a general outcry, Will you presume to touch the sacred ark of the constitution with unhallowed hands? But nothing was said when a daring minister comes forward – not, indeed, with unhallowed hands, for a minister's hands are like those of the high priest of old, which it would be sacrilege even to look at— not to touch it only, but to tear it in pieces.

The sole reason assigned for this outrage against the constitution, was, that when new occasions happen, new changes must take place. Mr. Fox here exposed the fallacy of the assertion, that universal suffrage was the cause of the downfall of the ancient despotism of France, and of the overthrow of the first constitution. He urged upon the serious consideration of ministers the situation into which they had reduced the country, and implored them to give up a system which was pregnant with ruin, and to employ every lenient and conciliatory means for gaining the affection of the people, and attaching them to the constitution. He said, he knew there was a spirit in the country to ward off the ravages of anarchy: he hoped, also, there was a spirit to resist the strides of oppression. Before he sat down, he would say a few words with respect to the general scarcity of provisions that prevailed, though not connected with the subject before the House. If the war was not the principal cause of the scarcity, that it was an integral part could not be disputed. Though the harvest was in general abundant, yet wheat was not so productive as had been expected. Other articles of consumption which were more plentiful were equally dear; so dear, that the poor could not, for the price of labour (which was in no proportion to the dearness of provisions) buy enough of bread. There were many other mischiefs that followed in the train of a destructive war, the expenses of which had lowered the value of money, as it had increased the price of necessaries. Though the blessings of returning peace could not in a month, or a year, restore plenty, and repair the hardships of the war, still they afforded the only cure for famine and poverty. Thus he might in some degree say—*Sublata causa, tollitur effectus.* The war ended, peace would, if not immediately, at least in time, bring back the country to its former state of prosperity Mr. Fox concluded a masterly speech by saying, that he should consider it an unpardonable omission to conceal from the people, that they had to reproach themselves for a great part of their calamities by their supineness, in not bringing ministers to an account for their destructive measures, and with calling on the House to be aware of what they were doing, and not to continue a blind confidence in government to the ruin of the country.

Mr. *Pitt* said, that as he had repeatedly delivered his sentiments upon the bill, he felt but little inclined unnecessarily to take up the attention of the House, par-

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ticularly, as most part of what had been already said that day had little connexion with the question. Under this description he did not include the comparison which the right hon. gentleman had thought proper to draw between a revolution in this country in favour of the House of Stuart, and a revolution in favour of that kind of government which French principles would recommend and inculcate. No man could be more sensible than he was of the dreadful calamities that the nation would sustain by the re-establishment of a popish pretender, who would, no doubt, endeavour to subvert our liberties, our religion, and our laws, and possibly he might succeed in his object. He had no hesitation, however, in declaring, that were he to choose between two such horrible alternatives, he would chearfully prefer the restoration of the pretender to that cruel and desolating system of anarchy, which would radically destroy all those principles by which social order was maintained. He scrupled not to agree with the right hon. gentleman in declaring, that were we under the same circumstances that pressed on our ancestors, we should be equally ready to make the same sacrifices that they had done in so necessary a resistance; and he farther admitted, that when we expressed ourselves equally willing to risk our lives in an opposition to either Jacobitical or Jacobinical principles, we had no more to offer, nor were we any longer to seek for any practical difference. It happened conveniently for his purpose, that the arguments and illustrations employed by the right hon. gentleman furnished him with materials which would serve for an answer to most of his arguments, as far as he had urged any thing closely connected with the subject. Of this comparison between the two kinds of revolutions alluded to in particular, without attempting to reason on which side the choice ought to preponderate, it was sufficient to say, that we were ready with our lives to resist the introduction of either.

Here, then, he wished to pause, and beseech the right hon. gentleman to adopt the sage counsels of his ancestors, with the same ardour which he expressed when he declared his desire to imitate the valour of their arms. Our ancestors expelled the family of the Stuarts, and established the glorious and immortal revolution, in the first instance by the sword; but their bravery might have been ineffectual, if they had not secured their object by legislative provisions. It was in this manner, more than by personal valour, that they preserved the constitution. What was the bill of rights itself, but a measure adopted by our ancestors in consequence of their finding themselves under new circumstances? They declared it to be high treason to dispute the queen's authority, to deny that the parliament was competent to confine and limit the succession and, finally, to render attempts to introduce a system, different from that which they had established by the laws, feloniously penal. Upon examining the present bill it would be found, that their example was rigidly adhered to, and preventive measures resorted to, on motives of policy and prudence, in order to guard against that extreme which would make it necessary for many to risk their lives in a contest, and be involved in all the miseries that attend a civil war. One great recommendation of this temporary measure was, that it strictly adhered to the examples of former times; and while it added to the general security, made no innovation on the constitution, nor, in the smallest degree, weakened the spirit of the laws. Our ancestors in times of danger, and even during that interval which took place between the deposition and the restoration of the monarchy, adhered as much as so peculiar a situation would admit, to ancient forms, and conducted the public business by means of both Houses of Parliament, if that assembly could properly be called a parliament, when it was actually deprived of one of its component parts.

Were there no precedents, no landmarks, to guide their proceedings on the present emergency? In days of difficulty and danger, which had threatened one branch of the legislature, and when doubts had arisen respecting the competency of parliament to legislate in one particular case—limiting the succession of the crown, our ancestors made a law suitable to the occasion. But at this time what was the enemy that we had to contend with, and what the danger to be repelled? Not an attack upon one branch of the legislature, not a doubt about the right to legislate in a particular case; the right to legislate at all was questioned, and the legality of monarchy itself in any shape was denied. Was that, he begged to ask, a proper time to sit still, and re-

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frain from taking vigorous and effectual measures, merely because they might deviate in some degree from established practice? The parallel that had been attempted to be drawn between the measures of the executive government at this time, and those of the House of Stuart, in no degree applied. In the days of the Charles's, the people were above all taught to look up to parliament for safety and protection: they might undoubtedly look elsewhere for assistance, but parliament was the centre in which all their hopes and dependence rested, and in which alone they were led to expect redress for their grievances: such had been the example of their ancestors at the revolution, and as it was before their eyes, it ought to regulate their proceedings.

The right hon. gentleman had talked of risking his life in defence of the constitution: he was not asked now to risk his life, he was asked only to apply the laws to the present state of the country, in such a manner as to render the risking of lives, for the present at least, unnecessary; and he was asked to do this in time, before the evil which threatened us should have risen to such a height, as to bring on personal dangers. Gentlemen had made much objection to this bill, as debarring the subject of the right to petition, as secured to them by the bill of rights. But did the bill of rights imply, that any other than parliament was to be the channel through which evils in the government or constitution were to be redressed? The revolution itself tended also to prove the point he was contending for; since it was a memorable example, that even when the throne was vacant, and when the forms of the constitution necessarily failed, yet, even then, so strong was the impression on the minds of men, of the maxims which they had before learnt, that no new constitution was formed in consequence, but the old constitution was still considered as subsisting. The two remaining Houses of parliament, and those two Houses alone, were then resorted to, and not the sovereignty of the people, as the means through which the other branch of the legislature was to be supplied. It was not to that sovereignty of the people which is now talked of, that recourse was had. Thus, therefore, the revolution itself conspired to show that it was to parliament, or to the people in parliament, and not to the people out of parliament, that the right of framing alterations in the constitution always devolved.

The next point to be considered had been insisted upon much in the House, and, as he understood, made very industrious use of out of it; viz. that the present bill was calculated to create a difference, and cause a separation between the lower and the higher orders of the people. The effect of this bill he was ready to maintain would be diametrically the reverse. The system of dividing the orders of the community was that which formed the grand spring and power of Jacobinism which the present bill was evidently calculated to oppose, to check, and to suppress. It was by exciting the envy and hatred of the poor against those in higher stations, by holding out to them the hope of exchanging their conditions, and by representing property as the easy prey of the indigent, the idle, and the licentious, that the profligate principles of Jacobinism had succeeded in destroying all social order in France, and the same end had been aimed at, by the same means in all other parts of Europe. Under our happy constitution, he believed there was no man of rank or property, at this time, so negligent of his duty, and so unacquainted with his interest, as to draw a line of separation between himself and those that were below him, in rank, affluence, or degree. What nation in the world now existed, or had been known to exist, in which the great and the low were placed at so little distance, and so slightly separated? A continued and well cemented connexion, which could not easily be dissolved, was so visible, that it was impossible to fix upon any link in the general chain where the union of the parts did not immediately appear. The middle class derived supply, vigour, and support, from that below it; diffused it through all around; communicated and received reciprocal aid from that which was above it; and an animating spring gave that activity and general circulation of benefits to the whole, which composed the order of well-regulated society.

The manner by which the right hon. gentleman had attempted to prove that the tendency of this bill was to make such invidious distinctions, was most extraordinary. The bill had been held out as a bill which proscribed all meetings whatsoever from petitioning parliament, except such as were licensed. So far from this, the bill left all established meetings pre-

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cisely as they were before. The requiring of a licence had been stated as, in all cases an intolerable evil: it was, nevertheless singular enough, that not to require a licence was now considered by the right hon. gentleman as a still worse evil, on account of the partiality of the principle. He would ask, what was the partiality? Was it that all other meetings but those that were licensed were to be abolished? No such thing: they were merely to be put under some new restrictions, which should make them more resemble the regular meetings, which were not to be subjected to a licence. But to come to the main question—it was distinctly this. First, does the bill so abridge and limit the right of petitioning parliament, as to leave it insufficient for the purpose of affording due constitutional security? Secondly, does the bill impose any ineffectual, superfluous, and unnecessary restraints? In order to judge upon these questions, he would consider what were the limitations imposed by the bill on this right of petitioning. A previous notice of the intended meetings was, in certain cases to be required. The meetings of corporate bodies were not required to give any notice whatever; meetings called by a certain number of justices; meetings called by the lords lieutenants of counties, or by sheriffs, were all excepted from the obligation. It had been said, however, that these last were servants of the crown, and because servants, therefore, in the interest of the crown. But how did this observation apply? A sheriff of a county was under no influence either of dependance, or expectation, or gratitude. The office of sheriff was considered as an onerous and expensive office, which few persons liked, and from which many wished to be excused. Was it fair then to describe a meeting called by a sheriff, as a meeting called by one who was a mere tool of the crown? But, besides, what was the fact?—The fact was, that meetings were, according to the present custom, called by these very sheriffs, and a great proportion of the complaints of the country actually found their way to parliament through this channel; a way which was still left open. This, he said was the best proof that meetings of this sort were not unavailing. He believed it had commonly happened, that much the greater proportion of petitions to parliament came through the sheriffs, and those of another kind were usually thought more suspicious. How unfair then was it to call the bill, as it had been called, "an extinction of the right to petition," when, in fact, that channel through which petitions usually came, was still left open! He declared he was as ready as any man to admit broadly, that supposed or real grievances might, as matter of right, be presented to parliament by all ranks of people. He must, however, at the same time remark, that he did not consider those to be the best friends of the constitution, or of the lower ranks of the people, who were always goading them to bring forward petitions, and encouraging the agitation and discussion of public affairs; among those, too, who, of all men, from their education, their habits of life, and their means of information, were indisputably the least capable of exercising sound judgment on such topics. The right of petitioning then remained as formerly, excepting in certain cases, to which he had alluded.

With regard to the observations made by the right hon. gentleman in his interference for procuring a more equal representation of the people in parliament he would do him the justice to say that he never had encouraged the wild, visionary, and mischievous plan of universal suffrage and annual parliaments. He had felt, what every man of sense and observation must feel, that the House of Commons, composed as it was, was the virtual representation of the people of England: the sole matter in doubt was, whether the members had such an identity of interest with those who had no voice in election of representatives, as would secure to the latter the consideration, to which, as Englishmen, they ought to be entitled? In the meetings held upon that subject formerly, though some of them had not been regularly convened by the sheriffs, he well remembered that their proceedings were looked to with more jealousy than the proceedings of those meetings which were assembled in a regular manner.—So little had been urged in opposition to the provisions of the bill, that it was unnecessary for him to argue much in their defence. The notice to be given of meetings held avowedly for the discussion of public measures, had been so modified as to retain little of that formidable appearance which gentlemen at first represented it to bear; indeed, the hon. gentleman himself had confessed, it was that part of the bill to which he saw the least objection. So necessary did public advertisements, in order

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to convene large bodies of men on political questions, strike him to be, that the clause would seem a superfluous precaution, if it were not for the peculiar construction of the corresponding societies, which, by their divisions and sub-divisions, had not only the means of secret communication, but also of prompt execution of their designs, however alarming, however dangerous.

It had been much insisted on, that a main objection to the bill was, that these meetings were hereafter to be held under the inspection of magistrates. The force of this objection would surely be done away, when it was considered that this provision only set all other meetings on the same footing with those which had always been authorized in their corporate capacities; for in regular meetings the sheriff was necessarily and of course always present. The next point complained of had been the mode of dispersing meetings. Was it possible for the House not to have felt the danger of some late meetings, and did they not feel the necessity of checking them? If they did not, he would only say, that this was not the time to trifle: if they did not seize the opportunity of applying a preventive, they might soon lose the power of exercising their own functions in that House. For this reason it was highly necessary to grant new discretionary power to magistrates—a degree of additional power, guarded by the degree of additional responsibility attached to them. He owned he felt some astonishment at one argument coming from a quarter from which he least expected it, a declaration that struck at the very foundation of the administration of public justice in this country. A learned gentleman of the first professional talents, reputation, and practice, had urged as an argument against the bill, and put it in a general and unqualified manner, that the magistracy of the country were necessarily corrupt; an invective against a body of persons, to whose exertions, in their situation, the country owed the most signal services. With equal surprise he had heard the same learned and honourable gentleman who, while he arraigned the discretion granted to the magistrates under this bill, acknowledged at the same time, that they were already authorised to exercise the same powers under the existing laws, namely, the riot act, and a statute of Henry 4th which had been alluded to by the judge (the late lord Mansfield) on the trial of lord George Gordon. Without insisting, for the present, on the illiberality of the suggestion, its inconsistency was glaring, and it might be proper to consider, in another point of view, how a meeting convened by a sheriff could be esteemed a meeting held only by permission of his majesty's ministers. That sheriffs were appointed by his majesty, from lists made out by the judges of assize, of the persons most capable of serving that office, was certainly true. Although the office of sheriff was an office of dignity and honour, were he to ask, whether his majesty, in conferring it, bestowed a favour which called for any great gratitude on the part of the receiver, he believed that in most instances he should be answered in the negative. Added to this, when the appointment was once conferred, the king had no power to remove the person appointed sheriff; and upon the whole, there was scarcely any office which was attended with a greater degree of independence. Other magistrates who exercised offices for which, as all our law-writers declared the nation was indebted to them, and who, in the service of their country, every day exposed themselves to insults and dangers, he could not but lament that any professional gentleman should be found to speak of them with such undeserved indignity. It well merited the close examination of gentlemen, to what extent, and to what extent only, the powers of magistrates under the present bill went to prevent meetings, if their designs seemed calculated to obtain redress through any other medium than the legislature, and to disperse them, if the magistrates were of opinion, that the proceedings held, or the speeches delivered at any meeting had an illegal tendency. In fine, the sole object of the bill was, that the people should look to parliament, and to parliament alone, for the redress of such grievances as they might have to complain of, with a confident reliance of relief being afforded them, if their complaints should be well founded and practically remediable. That it should be understood that the condition of no man was so abject, but he could find a legal means of bringing his grievances before his representatives in parliament, and subject them to their consideration; but that he would not leave a door open, through which a torrent might rush in, and overwhelm the constitution. It

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behoved them to take care that menaces were not conveyed to parliament under the pretext of petitions, and that they were not made the vehicles of indirect libels, fabricated at meetings convened under the pretence of very different objects, by men whose real purpose it was to undermine and subvert the constitution.

Mr. Pitt concluded by saying, that, upon the whole, a just comparison ought to be made between the evils that might follow from this bill, and the dangers that might arise, were the House to reject it. The balance being struck on this alternative, the next question was, whether it was not necessary that the people should know it was to parliament alone that they must look for any alteration of the law, and that, when their grievances were known and stated, they would not look to parliament in vain for redress. The House and the public were equally interested in this bill, and so was every class of the people, as fair and constitutional petitioners; it therefore only remained for gentlemen to decide whether they did their duty best for the interest of their constituents or not, by entertaining or rejecting a bill founded on such principles.

Mr. *Mainwaring* approved of the principle of the bill, and had long seen the necessity of some such measure. But he objected to the clause which gave such an extensive power to magistrates to dissolve any meeting, according to what might be their idea of its propriety. He wished their powers should be more clearly defined, or rather that they should have no such powers. He also disapproved of the clause which prohibits all discourses and lectures, unless licensed by a justice of the peace. Some places of public entertainment, which were of the most moral and instructive tendency, came under this head, and he thought it a severe hardship that they should be subjected to the control of a magistrate.

The question being put, "That the Bill be now read a second time," the House divided:

Tellers.

Yeas	Mr. Solicitor General Mr. Neville	213
Noes	Mr. Erskine Mr. St. John	43

Debate in the Commons on the Treasonable Practices Bill.] Nov. 16. Mr. Pitt moved, That the Bill from the Lords, intituled "An Act for the Safety and Preservation of his Majesty's Person and Government against treasonable and seditious Practices and Attempts," be now read a first time. Mr. Sheridan expressed his determination to oppose the Bill in every stage. The gallery was then cleared, and the House divided:

Tellers.

Yeas	Mr. Ryder Mr. Sargent	170
Noes	Mr. Whitbread Mr. Jekyll	26

On the motion, "That the Bill be read a second time," the House again divided:

Tellers.

Yeas	Mr. Wallace Mr. Canning	151
Noes	Mr. Christian Curwen Mr. Lambton	25

The Bill was then ordered to be read a second time on the 19th. When strangers were admitted to the gallery,

Mr. *Sheridan* was speaking. He asked, whether such a necessity did exist as justified the bill in question? If it did exist, proof should be given. Before the suspension of the Habeas Corpus act, ministers had moved for a Committee of Inquiry, upon the report of which committee they afterwards proceeded. If the report was necessary then, it was more indispensable at present, for upon what possible principle could they call upon members to assent to the strong measures which were then offered them, unless they established their absolute necessity. What authority, then, was there for the introduction of this bill? Did any man think that the evidence taken in the House of Lords, and the address which followed, were sufficient to give sanction to two bills of such magnitude and importance? He was confirmed in his opinion by subsequent events, that the present alarm had been created solely by ministers, for the corrupt purpose of libelling the country. In 1792, for similar purposes, similar reports of plots and conspiracies had been industriously circulated. In the course of the trials which followed, he had witnessed the most complete proof that the whole of these atrocious acts originated with the informers, reporters, and spies employed on that occasion. At those trials he found the whole idea of a revolution to be forged;

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that the informers, reporters, and spies, one and all declared, that they never had suggested that such danger was existing. At that time, intelligence of a third plot was noised—a plot which was investigated by the magistrates acting on behalf of government, and in some degree confirmed by their proceedings. This supposed plot, after all, consisted in an intended assassination of his majesty at one of the theatres, with a strange instrument that was never found, and by men who were afterwards released. That they were not guilty was evident, or they would not have been released in the manner they had been. Such had been the third species of forgery resorted to.—To come to the present times, he was obliged again to recur to his majesty's speech from the throne. When that speech was delivered, it was plain that ministers had no idea of the existing panic. Though he gave them credit for great ingenuity, he was utterly at a loss to imagine how they could presume, in consequence of one desperate outrage committed by some misguided individual, or, at the most, upon their own confession, by a few thoughtless miscreants, to deprive so loyal, so patient, so submissive a people, of their dearest and most sacred right? Every one of these considerations afforded ample reason to believe the present to be neither more nor less than a forged plot.—If the minister adhered to his assertion, that a treasonable plot was actually in existence, and flew from an investigation of it, was it not natural to conclude that he could not prove it? But the right hon. gentleman always flew off to France for his examples. He enumerates all the instances of treason, murder, and rebellion which had arisen from popular assemblies in France; and then asked, whether similar causes would not produce similar effects in England? Was it not a libel on the English people to argue in that manner? There was no parity whatever, not the smallest analogy. Would they attempt to assimilate slavery with freedom, or compare despotism with a well regulated and limited monarchy? He would always deprecate such wretched, narrow, miserable modes of reasoning. The enormities committed by the French people were occasioned by the despotism under which they had so long groaned; their excesses, when they were free, were to be attributed to their former slavery: they had been oppressed and ground down till they had lost the common feelings and the common character of humanity; and they were provoked and instigated by the evils which surrounded them till they became enraged beyond all moderation. The nature of the people of both countries was directly opposite; it was therefore impossible that similar enormities could ever happen in England. An hon. gentleman had said the other night, that desperate evils must have desperate remedies. He acknowledged the truth of the maxim; but the existence of the evils should be proved before the deduction was drawn from them. That the popular meetings and the outrage on his majesty had any connexion, he peremptorily denied. At the late county meeting for Hertfordshire, an hon. gentleman (Mr. Baker) had, in his opinion, acted with great impropriety in coupling the congratulation to his majesty with a charge against the societies. An hon. gentleman (Mr. Canning) had asserted, that the doctrine of king-killing was preached at Copenhagen-house. If it were true that such doctrines had been preached, prosecutions must have been commenced, or the magistrates and the executive government would have been guilty of scandalous neglect. He was, therefore, warranted in disbelieving it. So far, however, was the fact different from the assertion, that it was generally known that no such pernicious doctrines were practised; on the contrary, the persons present, all of them, professed a spirit of loyalty to his majesty, notwithstanding their declamations against his ministers, against the war, and in support of a parliamentary reform. The chancellor of the exchequer had that evening said, that inflammatory hand-bills were swarming in every part of the metropolis. These hand-bills might be, and possibly were, written and published by some of the spies for their own profit and advantage. Let it be recollected that the spies themselves confessed in a court of justice, that to encourage and deceive others they were the loudest in a cry for reform, and the most forward to use inflammatory language: where, then, was he to find proof that those hand-bills were published or circulated by the societies, unless they would suffer him to know from whom those hand-bills came, and how they were obtained? When once a government encouraged spies and informers, it became a part of their business to commit such forgeries and create

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such terror. The right hon. gentleman might say, that the business of spies and informers was a respectable and necessary trade; no man, however, would pretend that it would ever be much respected, and therefore such odium and such suspicion must necessarily attach to it. With the solitary exception of Watt, he conceived it expedient, that ministers should support their spies, as was formerly the practice with those who brought up thieves, and instructed them while young in stealing, to share their profits. He had himself heard a man declare, that in the heat of his zeal and loyalty, he appointed another to watch those whom he suspected, for which he gave him a guinea a week, but that at last he brought him accounts so alarming, that he gave him two guineas a week. Such would inevitably be the case, and we should go on from worse to worse, and all would be imputable to the same cause. He mentioned the immense meeting which had that day been assembled in Palace-yard, and the order and decorum exhibited on that occasion; yet, if the meeting had been held before the opening of the session, he should not have been surprised if it had been used as an argument for the necessity of the bill. He wished Mr. Canning would come into his committee, and prove that the societies did preach the doctrine of king-killing; because, in that case, a prosecution would be instituted, and the truth be investigated by due course of law. He concluded by moving, "That a Committee be appointed to inquire into the existence, extent, and danger of the Seditious Meetings, referred to in his majesty's Proclamation on the 4th of November."

Mr. *Powys* said, that the House had not, it was true, nor need it have, specific evidence of the treasonable designs of the meetings. The notoriety alone was enough to justify the legislature in resorting to strong regulations, to prevent the consequences that might arise from such inflammatory assemblies. The hon. gentleman had stated it as a grievance, to connect the outrage offered to his majesty, and the doctrines preached at the meetings alluded to: this was the very plea used by the societies themselves. The hon. gentleman had stated an alternative respecting the publications handed about at one of the meetings; viz. either that there was sedition, or there was not. The hon. gentleman asked, if there was sedition, why not prove it? If it could not be proved, the thing, he said, was a forgery. To this publication the name of citizen Lee, as printer, was annexed; and it was notorious that Lee was usually employed by the Corresponding Society; and in this instance, the hon. gentleman should show that he was not, as usual, engaged by them. It was plain from all the proceedings of the meetings, that the government was the great obstacle in their way; that at government they aimed all their efforts; and therefore government was obliged to endeavour to secure itself from the attacks of weak, insidious, and dangerous men. The daring attack on the king, was a blow at monarchy; nay, it struck at the root of the constitution. He wished to ask the House, whether the general notoriety was not enough to justify them in the measure? Was not that the ground of the Riot act? What were we to think of the conduct of our ancestors with respect to the gun-powder plot? Did they go into evidence about that plot? Had they done so, the House of Commons ought to have been gunpowder proof. Such was the case with the present bill: the notoriety was such, that to go into proof would be ridiculous. The parliament of Copenhagen-house, and the parliament assembled in St. Stephen's, Westminster, could not exist together. The British parliament, as consisting of king, lords, and commons, would be crushed for ever, if they did not crush the unconstitutional parliaments in question.

Mr. *Jekyll* said, that nothing in the nature of proof or necessity had been offered to justify the present measure. No connexion had been established between certain proceedings of the Corresponding Society, and the outrage offered to his majesty. The gunpowder-plot, which had been urged as a precedent for acting without inquiry, was not a very fortunate instance; for the gunpowder was actually found, and the overt act was indisputable. If he saw the name of citizen Lee to any libellous hand-bills, did it follow that they were not the contrivance of ministers themselves? In the instance of Oates, the ministers of Charles the 2nd had, for their own purposes, encouraged, or framed similar machinations to those of the present administration. That they were really the production of ministers, and propagated for their designs, was confirmed by the supineness of

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the attorney-general, who had instituted no prosecution. Such were the shallow pretences on which they were required to pass two bills, one of which assassinated the best privileges of the constitution, and the other gagged the mouth of every British subject. The chancellor of the exchequer had formerly been no small admirer of debating clubs; he had been accustomed to frequent them, although he seemed now to favour their suppression. Such, indeed, had formerly been his ardour for debate, that he had even harangued in a mask on some occasions. He had however now pulled off the mask and disclosed himself in his true character.

Mr. *Curwen* said, that the conduct of the House in refusing inquiry where it ought to have taken place, and in their careless superintendence of the public money, as well as their implicit acquiescence in every ministerial measure, was little deserving of respect. What must the people think of the corruption and prodigality of ministers, of the sums of public money, which they had lavished on their creatures and dependents? Especially what must they think of the unexampled pension bestowed upon Mr. Burke, to whose private virtues he believed much regard was due? In the mode, however, in which the pension had been bestowed, his character had been degraded. Had he really deserved it on national grounds, it should have come before parliament. Had it been so brought forward, he would have opposed it; because even public virtue was not always to receive public remuneration. Liberality of rewards rendered the purity of the motive suspected, and injured the general course of real patriotism. The consciousness of having discharged their duty was the best and most unequivocal reward of public services. Without farther evidence, the House was not warranted in proceeding with the bill. The present measure was too weak for actual insurrection, too strong for the existing state of the country. With regard to the facts stated by ministers, he utterly disbelieved them. He thought the pretence of the outrage was assumed to divert the attention of the public from the destructive war in which ministers had involved us.

The *Attorney General* said, that one hon. gentleman had observed, that he ought to have prosecuted. To this he would reply, that when it was proved before, that seditious designs did exist, the accused were cleared by verdicts of their country. On that occasion he thought the juries had done their duty, and that the House had acted properly in laying the charges as they did. He could not, however, consider it fair to make such an attack on him, when the grand jury, after much deliberation, had found the charges laid in the indictment; and as he could collect nothing to the contrary from the learned bench that presided, it was his duty to follow up the prosecution. He entered into a detail of the proceedings on the trials: two persons who were called spies were examined, who, from minutes taken by them, proved the conduct of the societies for two years; and though the counsel for the defendants called two or three persons to invalidate their evidence, it remained uncontroverted. This was ample proof of the existence of sedition.—It was true, the people of this country, agreeably to the constitution, might assemble to discuss political subjects; but how far they might, in the present complexion of things, abuse that privilege, was a question highly important for the House to consider. It had been the wise usage of our ancestors to give up a part for the safety of the whole. Such were the various suspensions of the Habeas Corpus act, which, though they trespassed on the Bill of Rights, were the causes of preserving it for ages. The societies had totally changed their system: last year they declared they would not petition: now, they would petition. He called the attention of gentlemen to the atrocious libels circulated at the meetings of these societies: he had in his hands, libels printed by citizen Lee, that went to the same extent.—There were people now who lived by libels: it was become a trade. It was not unusual to see the wares of useful trades exposed to sale on one side of a shop, and libels on the other. Such were their numbers, that it was his conscientious opinion, they could not be effectually checked, if some law were not made, expressly to stop their progress. The bills would not have been brought in, if he did not conceive them to be justified by the notoriety of such infamous proceedings. Let the language and conduct of the meetings at Sheffield, Wakefield, and Chalk Farm be duly weighed. They did not say they would petition parliament; but called their legislators their plunderers, enemies, and

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oppressors. If these societies and meetings were suffered to proceed, the business of the country could not go on. Surely, then, there was sufficient ground for the bill; and however irksome it was to a lover of the constitution to feel his liberty abridged, every wise man would admit, that when every thing dear to him was in danger from the daring herd of rash innovators, and the licentious doctrines of the dealers in sedition, that, valuable as British freedom was, a part should be sacrificed for a time for the safety of the whole. The provisions of the bill were such, that the peace of no family would be disturbed, nor would a constitutional club or assembly be interrupted.

Mr. *Fox* said, that he would principally advert to what had fallen from the learned gentleman. He was not one of those who thought that the attorney-general ought not, in the recent instances, to have prosecuted for high treason. The declaration of the two Houses on that subject was decisive. Whenever it was the opinion of the attorney-general that persons had been guilty of high treason, it was his bounden duty to prosecute. But it did not follow, because those persons had been acquitted of the crime of high treason, that if they had been tried upon a different charge, they would have been found guilty of a misdemeanor. He had no doubt, that under this alteration of the charge, the jury would have conscientiously exercised their judgment. and brought in an honest verdict according to the circumstances of the case. The learned gentleman said, that acquittal did not disprove guilt. He was not one of those who would contend that acquittal was an unequivocal proof of innocence. In common cases there were many circumstances that might engender doubt as to the question of guilt or innocence. First, when the existence of the offence was ascertained the difficulty was to prove by whom it had been committed, to what particular quarter the guilt should attach. Secondly, even when there was a moral certainty, with respect to the authors of the offence, there was often extreme difficulty in bringing home the charge to the individual, by legal proof. Neither of these circumstances, however, existed in the case of the individuals tried for high treason. They were acquitted by a jury not less respectable than the committee of that House who had drawn up the report respecting their proceedings. He would say not less respectable, from their situation in life; and in his opinion, not less respectable, because they were removed from those objects of ambition which might be supposed to have had some influence with the members of that committee, and which some of them since might have been deemed pretty well to have attained. In the course of the business, he had been early convinced of the want of evidence sufficient to convict those men, and had broadly stated his sentiments on that subject; but the learned gentleman had said, that Mr. Erskine and Mr. Gibbs, the prisoners' counsel, thought differently. For one of those gentlemen, from habits of long intimacy, he entertained sentiments of the highest regard and friendship; of the other, from all, he had heard of him, he had been taught to think with the greatest respect. But he should not have felt, for one, that ardent friendship, nor should he have deemed the other entitled to that sincere respect, if, in a question of life and death, where they were called upon to act as counsel, from any speculation of their own, with respect to the guilt or innocence of the prisoners, or with respect to the nature of evidence, they had neglected to set up that defence which was infallibly calculated to save the lives of their clients. Was it in consequence of the result of the trials that the bills were brought in? He was told that not from these trials only, but from their subsequent proceedings, the dangerous temper of these meetings had been proved, and that their mischievous tendency could not be corrected except by some new legislative regulation. He would appeal to ministers what had been the effect of the former regulations they had adopted. Had they not suspended the Habeas Corpus act, upon grounds which he must ever contend to be slight, and such as by no means warranted so violent a measure? Had they not afterwards renewed that suspension? The suspension, however, they had afterwards allowed to drop during the interval of the sitting of parliament. He had congratulated himself at the beginning of the session, when he heard his majesty talk of the spirit of order and submission to the laws, which, with a very few exceptions, had discovered itself among his faithful subjects. Coupling this declaration with the conduct of ministers, in allowing the suspension of the Habeas Corpus to drop, he had flattered himself that ministers

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had now renounced the opinion, that the evil to be dreaded from certain principles would be diminished by vigorous judicial proceedings, and the prosecution of the war with France. He did not think, for his own part, that the evil was in any degree diminished; but he conceived that ministers had begun to form more just opinions on the subject; that they had begun to perceive the folly and inefficacy of their former measures, and to adopt in the course of their future proceedings the suggestions of a milder spirit and more enlightened policy. Unhappily, however, for the country, it appeared from the present measure, that he had been mistaken in these expectations. Was it in consequence of the meeting at Copenhagen-house, or the meeting at St. George's-fields, that they had been induced to bring forward the present bills? Both these meetings had taken place previous to the commencement of the present session, when the ministers put into the mouth of his majesty a declaration of the spirit of order and submission to the law, which had manifested itself in the country. Would they then say, that any thing which had occurred at those meetings, was the ground of their present measures? If they did say so, he defied even credulity to believe them. But he was told that the outrage on the king was connected with the proceedings of certain societies. He was referred for proof to the coincidence in point of time, and the notoriety of their transactions. Here he remarked, that while ministers declined giving that proof to which the House was entitled, they brought a sort of evidence which was worse than all; evidence was brought from a proclamation of the executive government. An attempt was made so far to degrade the House, as to bring in a bill upon the evidence of a proclamation of his majesty's ministers. If parliament were so careless of their duty, so lost to all sense of character as to take a proclamation of the executive government as evidence of the facts, upon which they were to ground their proceedings, they would, indeed, deserve that contempt which they were said to have incurred. The learned gentleman had read a number of papers, to show the atrocious views of the persons who composed these meetings. It was a sort of evidence which he confessed he received with much suspicion in consequence of the distrust with which he was accustomed to receive every such communication from that quarter of the House. If such facts existed, why were they not brought before the House in such a way as might constitute a proper ground for their proceedings? Why ought not the House to have the spies of the right hon. gentleman at their bar, in order to examine them as to their report of the facts which might have come under their inspection? The learned gentleman said that spies were instruments whom government had at all times found necessary to employ. Mr. Fox admitted that there were different sorts of spies. First, there were persons who might by chance be privy to some intelligence, which they might deem it essential to the safety of the state to communicate, and these he should set down as useful or meritorious spies. There were others who went certain lengths in order to acquire information, and made certain sacrifices, in order the more completely to get into the secrets of others; these he should reckon as at least doubtful. But there were a third sort, who in order to serve their own vile purposes, insinuated themselves into the confidence of those whom they wished to betray, not only affected a similarity of sentiment, but even spurred and goaded them on, and prompted them to adopt more reprehensible propositions, than they would otherwise have employed—of such characters there were no words in the English language which could sufficiently mark his contempt and detestation. This was the description of spy, which most frequently appeared in the trials at the Old Bailey. In all instances, the spy had been found the most furious in his sentiments, and the most intemperate in his language. He had often been the exaggerated and falsifying reporter of those proceedings, of which he himself had been prime mover and contriver. He would here refer to the trial of Mr. Walker, of Manchester, the proceedings on which were of such a nature, that they made his blood run cold, whenever he read or thought of them. Mr. Walker was not, indeed, put in peril of his life, for it required the oaths of two witnesses to have brought him to condign punishment; and fortunately for human nature, a second Lunn was not to be found. But he was put in hazard of his character, his liberty, and his fortune; and in the course of the trial it was found, that the person by whom he was accused was notoriously perjured. Yet on the oath of this very man, one of the name of Paul,

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had, for some time, been kept in prison. To be sure he was liberated upon the conviction of the perjury of his accuser. But what reparation did ministers grant to this man, thus exposed to suffer, from the falsehood and corruption of another? It had been asked, whether it was fair to set down the whole of the friends and supporters of ministers as being in a conspiracy against the liberties of the country? To this he would answer by another question, did not the learned gentleman believe that there were in the Corresponding Society some men who were by no means actuated by those detestable views which were indiscriminately ascribed to the whole of the body? So in the same way he might believe, that there were some supporters of ministers, who really meant well, though they were blind dupes of the folly, or unconscious instruments of the wicked policy of ministers. But though he by no means confounded every supporter of ministers under the same censure, yet if he saw a rooted design on the part of ministers to invade the liberties of the subject, followed up by successive efforts, all directed to that object, he should think himself wanting in his duty, if he did not take all peaceable means of stirring up opposition on the part of the country to the progress of their measures. He agreed with the learned gentleman, that the constitution was better adapted for the enjoyment of practical liberty than that of any other country, but he rather thought that had been the case formerly more than it was at present: it would be invidious to state any precise epoch when the alteration began to be most manifest, yet without meaning any thing, either personal or disrespectful to the king, he must state, that from the time of the revolution till the accession of his present majesty to the throne, practical liberty had been greater than it had been since, and that the system which had been acted upon in this reign was more hostile to liberty than that acted upon during the period to which he had alluded. He could discover nothing in the present state of the country that could justify this new infringement on the liberties of the subject intended by the bill. So far from it, the power and influence of the crown were obviously so enormous, that all the liberty that subsisted in the country was preserved only by the freedom of speech and the liberty of the press: if either of these were given up, or in any degree taken away, the only barrier that we had against the annihilation of liberty would be completely destroyed. The bill would interrupt the meeting of clubs, occasional attendance on which formed the chief, if not the sole, luxury of persons in certain stations. The learned gentleman told us, that the whole of the government was attacked. He was not an advocate for attacks on government, but he was an advocate for human nature, when it was oppressed. It had been well said in a former war with respect to the Americans, "You drive them to madness, and will you quarrel with them about their ravings?" When he looked to the many calamities which the war had brought upon the country; when he saw, during them all, an acquiescent and confiding House of Commons, he thought he could account for some part of that spirit of discontent which pervaded a great body of the people. This was the only war since the peace of Utrecht, which had in no one instance given rise to an inquiry in the House of Commons. Even during the famous wars of Chatham, and the victorious campaigns of Marlborough, inquiries were instituted respecting some of the operations. Had this been the only war so eminently brilliant, so uniformly successful, so clear in its details, so economical in its arrangements, as to claim exemption from that strict investigation, which had been displayed at former periods in the military history of this country? With this negligence of the House of Commons before their eyes,—with the experience of their own accumulated sufferings—was it to be wondered at that men should complain, more especially, when the authors of their misfortunes, were at the same time making an attempt to deprive them of their dearest and best rights? You may prevent men from complaining, said Mr. Fox, but you cannot prevent them from feeling. Either your bills must remain waste paper, or they must be carried into execution with circumstances of the greatest oppression. Depend upon it, if men speak less, they will feel more, and arms will be left them as the only resource to procure redress to themselves, or exercise vengeance upon their oppressors. Mr. Fox then proceeded to refute the pretext for not going into an inquiry, from the supposed urgency of danger. He stated the little advantage which ministers had derived from their system of alarm and terror, from an instance personal to himself. If,

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at the commencement of the war it should have been proposed that he should make a speech, as he had that day done, to 30,000 people, the question would not have been, whether he should have been suffered to speak, but whether he should have been suffered to exist. By that large concourse, he had that day been heard with unanimity and approbation; so great was the change that had taken place in their sentiments! He concluded with recommending to ministers to abandon a system, which had hitherto only been marked by reverses and disappointments. The pressure of the war was the original source of the discontents of the people, and the measures taken to repress these discontents had only increased the evil. The bad success of their policy ought to induce them to trace back their former footsteps,

Iterare cursus
——Relictos;

and to try what effects they could produce upon the people, by treating them with respect and gentleness. He reminded them of the saying of a great man, whom they had often occasion to quote (Mr. Burke) "Try all means of gentleness; terror can always be applied to, but never without danger; for if it fails in one instance, it produces contempt ever after."

Mr. *Pitt* said, that the right hon. gentleman had expressed himself under some obligations to ministers for restoring him to a portion of the popularity which he had lost, and had founded his claim to that popularity upon having addressed a meeting that day of 30,000 persons with applause. With respect to the number of persons present at the meeting, he could not undertake to speak correctly, not having any *data* upon which to form an opinion. But he should advise the right hon. gentleman not to be too sanguine in his calculation of their numbers, before he knew for how many of his auditors he was indebted to a reinforcement from Copenhagen-house, because it was notorious that the persons who assembled at that place expressed their determination of joining the assembly of the electors of Westminster; he would advise him to pause until he knew with certainty how many of that 30,000 were electors and householders in Westminster. The right hon. gentleman had stated, that ministers had called upon parliament to pass these bills, without laying before them any ground upon which they could be convinced of their necessity. He would not anticipate the discussion upon these bills; but when they did come forward, he would venture to assert, that he would lay such grounds before the House as should satisfy their minds upon the subject. The right hon. gentleman asks, "why, if this danger exists, and has existed for some time, why did you suffer the Habeas Corpus act to revive? why did you not continue its suspension?" Whether ministers had done right in not proposing to continue the suspension, he would not undertake to say; he could, however, state some ground to justify their conduct. Whatever the opinion of the right hon. gentleman might be of the trials for high treason, and the evidence produced upon that occasion, he was sure they had a strong effect upon the public. When that immense mass of matter was laid open, and the real designs of these societies developed, it served to open the eyes of the unwary, to check the incautious, and to deter the timid. When this was considered, and also the wretched situation to which France was reduced, there was fair ground for ministers to suppose that the delusion would cease. It was therefore prudent to try the effect of a lenient measure; and what was the effect? From the moment the suspension of the Habeas Corpus act was taken off, all the plans of these societies revived and continued in a progressive state till the meeting of parliament.—The right hon. gentleman called for some proof, to show the connexion of the meeting at Copenhagen-house, and the attack upon his majesty. But what was the moment chosen to commit this outrage? Could it be supposed that this daring outrage was committed without hope of support from some party or other? Certainly not. Upon these grounds, he trusted the House would reject the motion.

Sir *W. Milner* thought the public should never be impeded in their meetings to discuss public affairs. The manner in which the Westminster meeting was conducted that day, did them credit. He was sorry to hear that there were soldiers so near the place of so peaceable an assembly. To bring soldiers near a place where there was to be a meeting for political purposes, was a practice of a very despotic nature; it tended to overawe the assembly, and to prevent their speaking their minds with freedom. He did not see any connexion between the proceedings of Copenhagen-house, and the attack on his ma-

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jesty. He expressed great contempt for the idea that a public debating society could engender treason. What sort of treason was that which a man might go to hear on paying sixpence?

Sir *Francis Basset* had no objection to the holding of public meetings for constitutional purposes; but when they were confessedly held for purposes that were inimical to our constitution, it became the duty of government to take care to bring the military for the purpose of suppressing tumults, if any should arise. He could not agree with those who thought there was no connexion between the meeting at Copenhagen-house and the outrage offered to his majesty. He had heard of words delivered at that place, which were dangerous in themselves and still more so from the manner in which they were delivered. The words were these, "His gracious majesty is to meet his parliament on Thursday next, and I hope you will give him a warm reception." Would any man of common sense say, that this was to be understood as applying to the applause which arose from attachment to his person? Was it not obviously for the purpose of contumely? Sir Francis adverted to the riot act. That act had been passed without inquiry, upon the notoriety of the case, that mischief might otherwise arise. What was the situation of the country at the time? There were some persons who were known to be inimical to the king. And it was also known that they wished to remove him, and put another on the throne in his place. The danger apprehended at that time, great as it was, was nothing to that which was to be dreaded at present. Had the family of Stuart been placed upon the throne, the whole of the constitution would not have been destroyed, the property of every individual would not have been wrested from him; personal distinction would not have been sacrificed; and some security would have remained for the form of our government continuing. But if the persons engaged in those societies should succeed, there would be an end at once to the very form of our constitution. The mischiefs of these clubs which it was the object of the bill to suppress had long struck him so forcibly, and so it had many country gentlemen, like himself, that they thought the minister had been extremely remiss in not bringing some such measure as the present forward long before that time.

Mr. *Windham* spoke highly of the pension that had been granted to Mr. Burke, whom he extolled as the most enlightened man in Europe, and to whom a statue of gold ought to be erected. He thought ministers gave proof of their public spirit by granting him a pension, as much of the labour of that great man had been exerted against themselves. If such a man as Mr. Burke had been left in that indigence in which the independence of his own great mind had so long kept him, it would have been a disgrace to the country and the age in which he lived. The manner in which that gentleman had been talked of in his retirement, and under the pressure of domestic affliction, was degrading to those who indulged in it. The character of so great a man ought to be venerated by the public.

Mr. *Sheridan* said, that with regard to the pension to Mr. Burke, he would not say one word of his merits, farther than that no man deserved better to enjoy a part of the public money, if pensions were at all to be given, since he had contributed so much to the economy of the national cash. The manner, however, of granting the pension was disgraceful, not only to the gentleman himself, but to ministers. His own bill had been evaded in order to grant him his pension, instead of coming for it fairly to parliament. An hon. baronet had related a speech, said to be uttered at Copenhagen-house. It was, he owned, gross and highly improper, but was it spoken? A learned gentleman had produced a number of papers, said to be bought at the shop of citizen Lee, whom he called bookseller to the London Corresponding society. He believed that citizen Lee was not the bookseller of the Corresponding Society. Let him be proved to be so. The chancellor of the exchequer ought to be the last to demolish debating societies, as he had himself profited so much from them; the right hon. gentleman had attended them assiduously, and had not only spoken in a mask at these debating societies, but had lent a helping hand to the institution of one of them, at the Lyceum in the Strand. His speech in a mask was spoken at Carlisle-house, on the question, "Whether the distinction was just, which divided all mankind into two classes, knaves and fools." What side the right hon. gentleman had taken he could not say. Perhaps no man could better illustrate the position, that a little political knavery

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under the mask of patriotism, might, for a long time, impose successfully on the folly of Englishmen.

The House divided on Mr. Sheridan's motion:

Tellers.

Yeas	Mr. Whitbread - - -	}	22
	Mr. Jekyll - - - -	}	
Noes	Sir Francis Basset - -	}	167
	Mr. Pole Carew - - -	}	

So it passed in the negative.

Nov. 19. On the motion, That the Treasonable Practices Bill be now read a second time,

Mr. *Fox* said, that he should enter into the subject when the question should be put, that the speaker do leave the chair, which he understood was likely to take place on the 23rd.

Mr. *W. Smith* said, he felt himself compelled by every sentiment of duty to oppose the bill. He opposed it on this ground, that it would be ineffectual with regard to the objects professed to be attained. He thought that the law as it stood at present, was adequate to all the purposes for which the bills were avowedly introduced. He therefore could not suffer the bill to pass in any stage of it without taking the sense of the House.

The House divided when there appeared to be: Yeas, 64; Noes, 22.

Nov. 23. This day numerous Petitions * were presented to the House against the Treason and Sedition bills. After which, Mr. Pitt moved, that the order of the day for going into a committee on the Treason bill be discharged, and that the House do resolve itself into the said committee on the 25th.

Mr. *Fox* said, he wished for farther delay, because it appeared that these bills were most reprobated where they were best known, and met with approval only where their merits had not been discussed. His opinion of the bills was precisely what he had declared it to be—that they repealed the Bill of Rights, and subverted the constitution of the country. He did not wish to see them altered or amended; he rather hoped they might pass in their present form, because, as the attack was to be made upon the rights and liberties of the nation, he wished that attack to be open, broad, and intelligible to the people at large. He did not wish the poison of these bills to be sweetened to their palates, but that the people should be prepared and cautioned against the dreadful draught. If, indeed, the opinion of the majority were in favour of these bills; if he could believe it possible that the people were so degraded and abject as to prefer slavery to liberty, or to countenance these bills with any thing like their approbation; if they did not so generally express their abhorrence of them, as to show that they yet retained an unabating attachment to the constitution of their ancestors; he could only say, that he could

* The public was no less occupied than parliament itself, in the discussion of the two Bills. Clubs and associations were formed every where for the purpose of opposing them by every method not liable to the cognizance of the law. Never had there appeared, in the memory of the oldest man, so firm and decided a plurality of adversaries to the ministerial measures as on this occasion: the interest of the public seemed so deeply at stake, that individuals, not only of the decent, but of the most vulgar professions, gave up a considerable portion of their time and occupations in attending the numerous meetings that were called in every part of the kingdom, to the professed intent of counteracting this attempt of the ministry. The Whig club, comprising not a few individuals of the first rank and property in the kingdom, led the way in this celebrated opposition.

The Corresponding Society's numerous members, together with an immense multitude of their adherents and well-wishers, assembled on the 12th of November, in the fields near Copenhagen-house. Here they solemnly denied all intentions of raising commotions, and disproved the charge brought against them, by ministry, of being concerned in the outrages committed against the king. They framed three petitions, one to the King, and the two others to the Lords and Commons; stating them to be the unanimous petitions of nearly 400,000 British subjects, met together to communicate their sentiments, and express them freely, as authorized to do by the Bill of Rights, on the measures of ministry, which tended to invade the liberties invested in them by the constitution. They supplicated, therefore, the king to exert his royal authority, in the preservation of his people's rights, directly threatened by the two bills brought forward by his ministers; and they requested the two Houses to interfere in behalf of the public, against the ministerial attempt to procure their passing. The livery of London, the electors of Westminster, and the freeholders of Middlesex, agreed to remonstrances and petitions of the like nature, and were followed by a number of counties, and almost every town of note in the kingdom."—Annual Register for 1796.

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no longer be a profitable servant of the people. He might sit down in silence, and enjoy in the tranquillity of private life, the society of his friends; but he could not, with the feelings he possessed, be a profitable servant of the people. If, on the contrary, the people were, as he truly believed them to be decidedly against these bills; not a mere concerted majority, but the great mass of the people against them; then, undoubtedly, they had a right to demand his services, and he should hold himself bound to obey the call. He had a right to hope and expect that these bills, which positively repealed the Bill of Rights, and cut up the whole of the constitution by the roots, by changing our limited monarchy into an absolute despotism, would not be enacted by parliament against the declared sense of a great majority of the people. If, however, ministers were determined, by means of the corrupt influence they possessed in the two Houses of parliament, to pass the bills, in direct opposition to the declared sense of a great majority of the nation, and they should be put in force with all their rigorous provisions, if his opinion were asked by the people, as to their obedience, he should tell them, that it was no longer a question of moral obligation and duty, but of prudence. It would, indeed, be a case of extremity alone which could justify resistance, and the only question would be, whether that resistance was prudent. He was aware that these words were liable to misconstruction, and he knew that ministers were adepts in the art of misrepresentation; but a public man must not shrink in times of danger from strong expressions, because they may be misconstrued or misrepresented. What he said, he said deliberately; and it was for the authors and abettors of the bills to consider whether they would hurry the parliament to the passing of them, before it could be ascertained whether they had the sense of the people with them or not. With regard to the amendments that might be made in the committee, he repeated, that no mending could qualify this attack on the constitution. The poison might be concealed, it might be made more palatable, and it would be so much the worse. If, however, the constitution was to be violated, he wished the people to see the attack in all its glaring, open treason, that they might be roused to its defence. He certainly, therefore, should not lend himself to qualify the atrocious wickedness of these bills. Mr. Fox concluded with moving to adjourn the debate till to-morrow se'nnight.

Mr. *Pitt* said :—I do not rise to follow the right hon. gentleman through the whole of his speech; but there are some passages in it which I cannot hear, without instantly expressing my horror and indignation at them. The right hon. gentleman has made a broad, and unqualified declaration, that if his arguments and his measures do not prevent the passing of the bills, he will then have recourse to different means of opposition. He has avowed his intention of setting up his own arguments in opposition to the authority of the legislature. He has said, that if he is asked his advice, he will put the propriety of resistance only on the question of prudence;—without adverting whether the consequences of this advice may be followed by the penalties of treason, and the danger of convulsion; thus openly advising an appeal to the sword, which must either consign its authors to the vengeance of the violated law, or involve the country in anarchy and bloodshed. The right hon. gentleman has taken care not to be mis-stated. Happily for the country, this declaration of his principles is too clear to admit of a doubt. With all the horror that I feel at such language, I am glad the right hon. gentleman has been so unreserved and explicit. The House and the country will judge of that gentleman's conduct from his own language; they will see the extent of his veneration for the constitution, and of his respect for parliament, when, in violation of his duty, in defiance of legal punishment, he can bring himself to utter such sentiments. I am glad the right hon. gentleman has made that avowal, because I hope that it will warn all the true friends of the constitution to rally round it for its defence. I will not enter into a discussion of the abstract right of resistance, or what degree of oppression on the part of the government, would set the people free from their allegiance. I will only call to the recollection of those who hear me, that the principle of these bills, upon which the right hon. gentleman has ventured such language, has met with the approbation of a large majority of the House, and I trust that majority will show the right hon. gentleman, that they have not lost the spirit of their ancestors, which has been so frequently referred to, and that if they are driven by treason to the

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hard necessity of defending the constitution by force, that they will act with that energy which such a crime must necessarily excite in a loyal assembly. The power of the law of England, I trust, will be sufficient to defeat the machinations of all who risk such dangerous doctrines, and to punish treason wherever it may be found.

Mr. *Fox*, in explanation, said:—I rise to re-state my expression, but not to retract one word of what I have said. Let the words be taken down at the table. They express the sentiments of an honest Englishman; they are those sentiments for which our forefathers shed their blood, and upon which the Revolution was founded. But let me not be mistaken. The case I put was, that these bills might be passed by a corrupt majority of parliament, contrary to the opinion and sentiments of the great body of the nation. If the majority of the people approve of these bills, I will not be the person to inflame their minds, and stir them up to rebellion; but if, in the general opinion of the country, it is conceived that these bills attack the fundamental principles of our constitution, I then maintain, that the propriety of resistance, instead of remaining any longer a question of morality, will become merely a question of prudence. I may be told that these are strong words; but strong measures require strong words. I will not submit to arbitrary power, while there remains any alternative to vindicate my freedom.

Mr. *Windham* said, that the explanation took nothing from the dangerous tendency of the original declaration. The meaning obviously was, that the right hon. gentleman would advise the people, whenever they were strong enough, to resist the execution of the law. The right hon. gentleman rested on no majority, but the majority of force. The right hon. gentleman had brought the matter to a crisis; and it was now verging to that point to which, in his opinion, it had long tended. It was alarming to the country, but they must see it: the danger ought to be known to them; and if they did not see the dreadful precipice near which they stood, in his opinion, they were lost for ever. At least they had a fair warning: they now knew from the unequivocal declaration of the right hon. gentleman, what lengths would be justified; they had time to prepare against the danger; but he would not wish for a dishonourable safety; not one gained by flight and pusillanimity, but by manly fortitude in meeting the danger. In that case, the right hon. gentleman would find that ministers were determined to exert a vigour beyond the law—[A loud cry of Hear, Hear! and "take down his words"] Mr. Windham repeated the words, that they were ready to exert a vigour beyond the law, as exercised in ordinary times and under ordinary circumstances. The times and the circumstances would then require stronger laws, and the exertion of more efficacious means to put those laws in execution.

Mr. *Sheridan* repeated what Mr. Fox had stated, with respect to resistance. If, he said, a degraded and oppressed majority of the people applied to him, he would advise them to acquiesce in those bills, only as long as resistance was imprudent. They had affirmed, that these bills went directly to overturn the constitution; if they were sincere in that language, what other answer could they give to the people than that which they now avowed? What contemptible wretches must they be, if, while under the shelter of their privilege, they professed the measures to be calculated to overturn the constitution, and infringe the bill of rights, they shrank back on such an occasion, from stating that which they conceived to be the undoubted right of the subject—to resist oppression, when all legal means of redress were refused. To the declaration of Mr. Fox, he implicitly subscribed. It must be the feeling of every true Englishman; of every man who acknowledged the principles which seated the illustrious family of Brunswick on the throne. His right hon. friend had said, that if the people of England were so dead to all their former feelings, that they wished for these bills, then he was no longer a fit servant for such a people, and he had no occasion to have made that declaration; they did, and must know that the frame and texture of his soul could never suffer him to be the servant of slaves, as they must be if these bills passed into laws.

Mr. *Grey* said, that from the principle which had been maintained by his right hon. friend, he would not shrink; and he would repeat with him, that if, by the government of the country, measures were carried into effect, contrary to the wishes of a great majority of the people, and contrary to the liberties of the nation,

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should he be asked, whether the people ought to refrain from resistance, he would say, that they should only be induced to refrain by motives of prudence. With respect to the bills themselves, no modification could make them otherwise than hostile to the principles of the constitution.

Mr. Fox's amendment was negatived.

Nov. 24. This day the House was called over. After which, numerous Petitions were presented from all parts of the country against the two bills. The presenting of these petitions, and the conversations to which they gave occasion, continued till nearly two in the morning, in consequence of which, the order of the day for going into a committee on the Seditious Meetings bill was postponed till to-morrow.

Debate in the Commons on the Seditious Meetings Bill.] Nov. 25. After several petitions against the two bills had been presented, Mr. Pitt moved the order of the day for going into a committee on the Seditious Meetings bill.

Mr. *Curwen* rose to propose to the House the delay of one week before they proceeded farther with these bills. The proceeding with due deliberation never was so strongly called for on any former occasion. The present was a measure of which they had no precedent since the constitution had been established. If the nation could suffer it, he should think that it was useless to withhold chains from those who had lost the relish and love of liberty. Such was not, such could not be the case with the people of England; it was a gross calumny upon them to suppose it. He should state to the House the reasons which he thought ought to induce them to afford the short respite he required for the country, that their feelings and sentiments might be fairly known. Nothing but the wild, misjudging policy of the right hon. gentleman, could ever have brought such measures under discussion. If mischief should ensue, it would be chargeable alone on those who forced it upon them. He could not suppose the nation so lost to every manly feeling that they would tamely part with their liberties at the imperial mandate of a minister. As far as the sense of the country had yet been taken, it had been almost unanimous in the reprobation of these measures: an honest indignation had been raised, which had seldom, if ever, attended, any other measure; and well it might, for none ever so strongly called for it. He deprecated as unworthy of a good cause, every attempt to misrepresent, come from what quarter it might; but he would not believe they owed to such means the numerous petitions on the table. The delay he proposed would fully ascertain that to the satisfaction of the House, and leave no doubt what were the feelings of the people. The consequences which must infallibly result from these measures, were infinitely more alarming than at first met the eye. Rob the people of their right of petitioning, take from them their interest and connexion with the democratic part of the constitution, and you destroy with their consequence their freedom, and with theirs your own. What would be the situation of this House, when they had drawn a line of separation, which renounced the support and controlling influence of twelve parts out of thirteen of the whole people? If the full force of the united body of the nation had been barely sufficient to maintain to them the due influence in the scale, what would be their situation when they rested upon the represented part only. Three or four hundred thousand was the most extended calculation out of six millions. If they renounced the controlling influence of the people; if they wantonly destroyed the ties which had united them; ought they to look for their support? an act of such injustice must degrade them in their estimation, and make them view with satisfaction their debasement. Having nothing to hope from them, they would leave them to conduct a struggle, which had in it nothing to engage their affection, or to affect their interest; they would then be what he feared they were fast verging to—a mere office for registering the burthens of the people. The bill must, in its effects, alter the whole constitution. Popular opinion had restrained and counteracted the power and influence of corruption. Take that away, and ineffectual would be the struggle. The existence of the House of Commons depended upon the united interest of the whole body of the nation. The increased corrupt influence of the crown, together with the torrent of honours, which had of late years inundated that House, and deprived the democratic part of the constitution of such a weight of property, called upon them to maintain their just and necessary influence. A free country could

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alone exist where there was freedom of speech, and liberty of the press. When these are gone, all that remained must soon follow. Proof of the existing circumstances which justified the measure had been denied them, and they were called upon to give their sanction to it upon general notoriety. He thought the experience they had had should teach them greater caution. A committee of parliament had declared a traitorous correspondence to exist; repeated verdicts of juries negatived that fact, and every honest man in the country rejoiced at it. Should not that House doubt a little its own disposition too easily to credit the report of plots and disaffection? As a proof of it, he should instance the information of an hon. member, that the doctrine of king-killing had been preached at Copenhagen-house. But how was the fact? No such thing did happen; that meeting passed off with perfect decorum and order. That abominable hand-bill was said to have been distributed there. Had government no reporters there? Would it have been safe for any but themselves to have been the distributors? How came it, if otherwise, that the persons concerned were not apprehended? The most clear and absolute necessity would alone induce him to increase the penal statutes, satisfied as he was, that severe penalties tended rather to the escape than punishment of offenders. In the name of the people of England, he intreated the House not to preclude them an opportunity of being heard against these bills at their bar. An hon. gentleman (Mr. Wilberforce) had asked if they loved peace? Might he not with as much propriety ask that hon. gentleman, if he loved liberty, and could have been sincere in his endeavours to obtain freedom for thousands who never tasted of its blessings, and now be a friend to measures which would, if carried, establish despotism? He subscribed most heartily to the doctrine laid down by Mr. Fox on a former night, that if they forced these bills upon the people against their will, resistance would be no longer a question of moral duty, but of prudence. Let the nation judge whether the friends or opposers of these bills are the most entitled to their confidence. The secretary at war talked of employing "a vigour beyond the law." What did this mean? Was he so little acquainted with the stuff of which an English heart was composed, as to suppose that those who had been the ornament of their country, who had shed their blood in its defence, would forget the love of liberty they sucked in with their mother's milk, and become the instruments of enslaving their fellow-subjects? It was calumniating those brave men to suppose it. One tyrant had made the experiment; and he trusted the example would deter a repetition of the attempt. Let ministers restore to the people the blessings of peace, and prosperity would naturally follow; let them change their measures, show a respect for the constitution, and correct abuses, and there would be nothing to fear from either anarchy or despotism. He concluded with moving, "That this House will, upon this day se'nnight, resolve itself into the said committee."

Mr. *Harrison* seconded the motion. He believed the people were totally averse to the bills. It was a measure that ought not to be adopted by ministers, unless they meant to insult the people, and alienate their affections from parliament. It was, in his mind, a daring violation of the liberties of the country.

Mr. *Wallace* considered that a certain proportion of respect was due to the petitions of the people, when they were fairly and honestly expressed. With regard to those before that House, it had been incontestibly shown, that they were obtained by the grossest calumnies, and the foulest misrepresentations. He therefore wished the bill to be discussed in a committee as soon as possible, in order that it might be printed, and the people be enabled to form an accurate opinion of what they had to expect from it. He understood what gentlemen meant when they called for procrastination, and were against having the measure made more palatable. Their conduct showed they were not averse to illegal resistance. They directly attacked that constitution for which they affected so much regard. They endeavoured, by their language, to influence the freedom of debate, and to light up the flame of civil war. The conduct of the London Corresponding Society was, he insisted on it, clearly connected with the insult offered to the king. The attempt of ministers to defeat their machinations gave offence to some gentlemen. He was nevertheless convinced, that by adopting the present measures, the country would be saved. It had been advanced by an hon. gentleman,

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that it was immaterial whether the nation degenerated into a state of anarchy, or of despotism: those gentlemen, however, who opposed the bills, would not find in a state of anarchy protection for that property which they boasted gave them so large a share in the welfare of the country. He reminded Mr. Curwen of his having stated in a former debate, that those clubs and societies proceeded to such an extent as to afford him some uneasiness; notwithstanding which, he had that day expressed his fears for the constitution, when mild and necessary measures were taken in order to counteract their mischievous intentions. Mr. Wallace declared, he would not say that any of the parties assembled at Copenhagen-house, actually put the instrument into the hand of the miscreant who attacked the sovereign; but he would assert, that the language used at that meeting was likely to work on the minds of the ignorant, and was calculated to produce outrages against the laws. Having seen the outrages that the practices of these men had already occasioned, knowing that they might be repeated, and convinced that these bill were necessary to defeat and prevent them, he could not consent to the present motion, because he felt that every hour that was lost to their proceedings, was lost to the preservation of the sovereign, and the safety of the constitution.

Mr. *Whitbread* pleaded guilty to the charge made against his hon. friend who made the motion, and confessed his object was merely to create delay, for the purpose of obtaining more petitions against it, in its present abominable shape. Happy was it for the country, that the constitution of that House had provided forms of deliberation, apparently with a prospective apprehension of the necessity in certain cases, for delay. In those forms, he, with his hon. friends, would intrench themselves, and in those forms they would defend their post against the passing of the bills, in doing which he believed they would also defend the liberties of the country. Every moment that these bills were delayed from passing into a law, was a moment preserved to the freedom of the people. It had been said, that the petitions were obtained in an unfair manner: he denied the fact. Did they not speak the sentiments of the people? If they did not, what was it that made ministers so anxious to force the bills upon them? An hon. gentleman had spoken of the misrepresentation employed to procure those petitions; but surely he had forgotten the misrepresentations of those who supported the bill. They misrepresented it when they asserted, that it was meant as a guard to the liberties of the people; for they knew that it was not only a daring attack upon those liberties, but that such was the object professedly in view. He wished for delay, because he wished the people to examine whether the bills were or were not intended as a security for their liberties. He wished for delay, that they might have an opportunity of comparing and consulting together, and of giving their opinions freely. He was desirous that the bills should go forth to the world in all their natural deformity, that the people might see what an alarming stretch of power was attempted. Ministers pretended that the bills were to secure the liberties and constitution of the country. He was not surprised at such pretences; he knew that it had been the practice of weak politicians and of furious bigots, in all ages, to pretend, while they secretly undermined any institution, that they were putting that institution on a firmer basis. Had not the axe, the wheel, and the stake been used to enforce even the mild religion we professed? Now, he would unequivocally affirm, that these bills were as detestable as any of the most despotic measures of the most accursed tyrant upon earth. Instead of beholding the people prosper under a government of freedom, justice, and mercy, we should soon see them sink under a government of tyranny, of persecution, and of blood; aye, of blood! Was there no blood in the bill? What did it tend to, but the shedding the blood of his majesty's subjects, when upon such slight grounds it enforced military execution? The bill was a severe act, and it was to be passed into a law without there having been one tittle of evidence to prove its necessity. Where did this proof exist? In the notoriety? It was said it was notorious, that doctrines were preached upon a certain day, in a certain public meeting, and that afterwards an outrage was committed, in which the preaching and the practice were connected. The people who composed that meeting contend that they have been calumniated, and desire to be heard by counsel. Until they who were so ready to refute, therefore, should have been re-

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futed, there could be no conviction. But the House and the country were called upon to give faith to these assertions. Let the House mark upon whom the faith of these assertions must depend: upon the ministers of the crown. Was it not notorious that those very ministers had before spread alarms of treason throughout the country which they could not prove? Ought so gross a calumny as the preamble of that bill was upon the societies to be suffered? He had heard it said, that it was not a calumny, but a charge. These assertions were perfectly in the manner of the high inquisition; and he should not be surprised if torture should soon be adopted to force the accused to a confession. [A violent cry of No, no!] It gave him some satisfaction to find that the House revolted at the bare mention of such tyranny. What was the House going to do? They were going to punish the whole of his majesty's subjects for the indiscretion of a few, and they would not allow the delay of a week. Would that delay defeat the purpose? Certainly not; for while they were deliberating, they were surrounded by an army, and a military force was ready to march to any part of the metropolis the moment an attack should be made. He would say, with his right hon. friend (Mr. Fox) that if this bill should be carried by the influence of a corrupt majority against the sense of the great mass of the people, and made a part of the practical government of the country, resistance would no longer be a question of morality and duty, but of prudence. The bills were calculated for the security of ministers, and not that of the king, on whom they meant to cast the odium of their misconduct and disgraces. He should be glad to have part of the wickedness of these bills taken away, rather than they should be enacted in their present state; but he abhorred the detestable principles of them completely. This was not all. He suspected they were preparatory to more vigorous measures, since it had been already doubted by one of the ministers, whether they went to a sufficient extent, and whether something beyond them would not hereafter be found to be expedient. The country, however, might remain stupified for a time; he trusted, nevertheless, that it was asleep, not dead; the people would soon rouse themselves; and then the consequence would be, that, either by one convulsive effort they would produce a revolution; or, if they did not rouse themselves, what had been so long prophesied, would be fulfilled—the euthanasia of the British constitution.

Mr. *J. H. Addington* said, that however gentlemen might declaim against the bills, and assert, that they were subversive of the constitution, it was by remedying evils occasionally existing, that our ancestors had been enabled to hand down that constitution to their posterity. The atrocious attack on his majesty was not only an attack upon the king, but, considering the time and place, it was an attack also upon the Lords and Commons, and was apparently the effect of a dark, diabolical, and premeditated conspiracy. Clubs and conspiracies, it should never be forgotten, had overturned the monarchy of France. What was it but a club that imprisoned and brought to the block, the unfortunate Louis 16th. The Convention which was erected by these clubs, had, by one of their last acts, overturned the whole of the club system; and immediately after that overthrow, followed the establishment of a form of government, which, being in some measure founded upon reasonable principles, enabled his majesty to state from the throne, the probability of treating with them? Destructive these clubs had been in France, and destructive they promised to be in this country. The bill was chiefly preventive in its object. If it did not pass, in vain had the legislature suspended the Habeas Corpus act; in vain had they passed the treasonable correspondence bill; in vain had they taken any measure to preserve the state. It would be the means of enabling ministers to hand down to posterity the British constitution whole and unimpaired.

Mr. *Lambton* began with declaring, that his attachment to the monarchy, was as strong as that of any man. He was ready to protect the sovereign from every insult, for it was a duty co-ordinate with the constitution; he had, however, other duties that were likewise co-ordinate, because they were connected together, and love to the one was inseparable from regard to the other. In his attachment to the king, he must include his duty to the constitution. It was an edifice so delicate and beautiful in its construction, that if the smallest part was removed, the whole would totter and tremble to the foundation. Great as the loyal professions of some gentlemen might be, the

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British monarchy they must admit was founded on English liberty, and supported by the right of the people. This was a sentiment that "had grown with his growth, and strengthened with his strength." It was one that he hoped would go down with him to the grave, whether it remained locked up in his bosom, or whether he was permitted to enjoy the good old English custom of speaking his thoughts fairly and freely. If sedition did exist, the laws were sufficient to punish it. The bill was rather calculated to promote sedition, than to prevent it. Coercion had ever made converts; Voltaire had judiciously remarked, that the inquisition had made more proselytes than either Calvin or Luther. The present coercive measures would create more disciples than Thomas Paine, Joel Barlow, or the whole race of republican theorists. Since the year 1792, the measures of administration had made more persons disaffected to the government than the poison of French principles. If ministers really wished to stop the progress of that discontent, they ought to employ the means suggested by his learned friend (Mr. Erskine); they ought to restore peace and plenty, which would silence the voice of discontent. They ought to remedy notorious abuses, and reform the representation. Such measures would have more weight than all the violent bills that ingenuity could devise. It had, however, been said, that there were precedents for such measures; but from what times were those precedents selected? from the times of queen Elizabeth one of the most despotic monarchs that ever sat on the throne of Britain. It was the precedent of an act passed by an abject parliament, whom she prohibited under severe penalties from deliberating on public affairs, and whose members she arrested on pretence of disobedience to her will. Did ministers think the people would now endure such precedents? The parliament of Charles 2rd had passed the act, which was the other precedent, in the first effusions of their zeal, the year immediately after the restoration, amidst the dread of a powerful unextinguished faction. What was at that time security to the throne, would now be treason to the constitution. It was a maxim of the greatest authority, that tumults and discontents were rare under good governments, and that when they took place, their causes might be traced to mal-administration. If ministers wished to lessen the number of the discontented, instead of refusing, they would consent to hear grievances explained. By treating them with contempt, they would drive the people to despair.—What had been the boasted difference between the British constitution and the old despotism of France? It was this: in England, truth could not be concealed from the king; it made its way to his notice through the medium of a free press, and circulated through all the orders of the state. In other countries, deprived of liberty, the avenues of public investigation were locked up; no grievance, however acutely felt, could be complained of. But how long might this enviable distinction remain? The right of petitioning was paramount to all others. The force that tore it away might rob them of their property. Such measures might be consistent with the government of Turkey, or of Russia, but not with the constitution of England: he therefore cautioned ministers against trying the experiment. He objected particularly to the clause bestowing so much discretionary power upon magistrates, and enlarged upon the consequences of it. The very nature of petitioning required freedom of petitioning. The bill, however, took it away. It held out the semblance of a right, which could neither be touched nor felt.—They had been told, that no attempt would be made to prevent the exercise of petitioning were the bill passed. But it ought to be recollected, that the exercise of the power of petitioning would then depend only on sufferance: it would no longer be a right. A good minister might not employ it; but what a dreadful engine did it furnish to the views of a corrupt administration! Of all the attacks which had ever been made upon the liberties of Englishmen, this was, in his opinion, the most daring. All the stretches of prerogative under Charles 1st, who lost his head, and James 2nd, who lost his crown, were but pigmy steps when compared with the gigantic strides of modern despotism. Ship-money, arbitrary exactions, and even the infamous court of star chamber, were trivial to it. Then the right of petitioning existed, by which the people might remonstrate. Had those arbitrary steps been preceded by a bill similar to the present, they might have been executed with impunity. The English constitution would have been swallowed up for ever. Much abuse had been lavished upon the political societies

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in the kingdom; in his opinion, the grand grievance lay in the conduct of his majesty's ministers. They had given rise to these societies; they had created Jacobins; they had diffused discontent. His sentiments he would not state in his own words, but in those of a distinguished character who had given a just account of the origin of the discontent in the days of Charles 1st. Mr. Lambton then read the following quotation from a speech delivered in the House in 1640 by sir Benjamin Rudyard: * "His majesty is wiser than those that have advised him, and therefore he cannot but see and feel their subverting destructive counsels, which speak louder than I can speak of them: for they ring a doleful deadly knell over the whole kingdom. His majesty best knows who they are: for us let the matter bolt out the men; their actions discover them. They are men that talk largely of the king's service; have done none but their own, and that's too evident. They speak highly of the king's power, but they have made it a miserable power, that produceth nothing but weakness both to the king and kingdom. They have exhausted the king's revenue to the bottom, and beyond. They have spent vast sums of money wastefully, fruitlessly, and dangerously; so that more money, without other counsels, will be but a swift undoing. They have always peremptorily pursued one obstinate pernicious course; first, they bring things to an extremity, then they make that extremity of their own making the reason of their next action, seven times worse than the former; and there we are at this instant. They have almost spoiled the best instituted government in the world, for sovereignty in a king, liberty to the subject: the proportionable temper of both which, makes the happiest state for power, for riches, and for duration."

Mr. *William Grant* said, that supposing the assertions made use of by gentlemen on the other side to be well grounded and true; that is to say, supposing it were true, that the measures in agitation trenched, in some degree, on the constitution, it by no means followed, that they ought not, in any possible case, to be adopted. If, in case of an invasion, measures of a similar nature were deemed expedient, it would not be less unreasonable than in the present case to attribute to them the same consequences. It would be paradoxical indeed to say, that it was by the resistance, and not the attack, that danger was produced. If the bills, at present the subject of discussion, were brought forward in a time of peace, merely as a speculative improvement of the constitution, he would not have the least hesitation in rejecting them. He was by no means inclined to depreciate the benefits which resulted to the people from their ancient privilege of assembling, deliberating, and expressing their sentiments on any public measure. He knew that even legislators sometimes stood in need of certain checks and correctives, and that the voice of the people might and had been known to operate as a salutary control. Gentlemen had gone but a very little way, indeed, in argument on the measure, when they showed only that it was a restriction. All government was a restriction laid on, not because it was agreeable, but because it was necessary; so that when gentlemen objected to these bills, that they would operate as a restraint, they only left the question where they found it; for, by a parity of reasoning, they might dispose of all kind of social restriction whatsoever, and argue back to a dissolution of the very elements of government. The sole question was, whether, when a measure, though not good in itself, was productive of good by preventing evil, it should or should not be adopted? No restraint was good in the abstract; yet it sometimes happened (and it was a part of the allotment of humanity), that men were obliged to recur to a lesser evil for prevention of a greater: it was in fact, impossible for a free constitution to escape unhurt from an attack made upon it under colour of its own principles: it must necessarily either fall under the attack, or be injured by that which was applied as its safeguard. Restrictions on monarchical governments were not very sensibly felt; but when any part of a community employed for its destruction a portion of rights and power enjoyed by all, there was great danger; and they would only have to choose between two difficulties, namely, whether they would endure the utmost evil that unresisted, unrestrained power might bring, or lay restrictions on the whole, in order to prevent its ruin by the abuse of a part.

It was one of the conditions of his state here, that man hardly ever had it in his power to make choice between goods;

* See Vol. 2, p. 645.

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very seldom indeed to choose between good and evil; but when put into the trying situation of choosing between two evils, it was then that his reason and his fortitude were called forth into exertion, and his choice either depressed or elevated him above the ordinary level of his nature. In the present case, the necessity of choosing was rendered more unpleasant when, by resorting to the remedy which wisdom pointed out, they incurred the danger of offending those who were so very warmly attached to the constitution, as to view every thing that approached it with jealousy, and who, in the fervour of their attachment to that object, would incur the danger of ruin to the whole of it, rather than suffer a temporary encroachment upon a part; still more unpleasant was it rendered, if, as had been observed, pains were taken to misrepresent the intention of those who attempted it. Yet, under those difficulties, would it be right to abstain wholly from the attempt? Should they be deterred, under such circumstances, from the adoption of that which they thought right?

Into this dilemma, which he confessed was an arduous one, the House were led by the principles of certain societies; principles the growth of France, transplanted into British soil, but which, he was sure, never would find their way into that House. Those principles, so far from being congenial, were hostile to the constitution, and ridiculed it as a system of slavery; held that our government was an usurpation of the rights of the people, the administration of it altogether corrupt; and that, if even the legislature should agree to the favourite project of reform, it was an act of usurpation in them to attempt it. Under the influence of those French principles, the British societies, and their numerous adherents, entertained a gloomy and fanatical aversion to every thing English, threw contempt upon our fleets and armies, despised and maligned the courage of Englishmen, and even affected to doubt it. While every thing that bore a resemblance to English became an object of their aversion, even the American constitution, democratic though in fact it was, was reprobated, because it bore some resemblance to that of Great Britain, and had paid too much regard to property, and too much respect to religion. Nay, the present constitution of France itself, inasmuch as it was supposed to bear some faint resemblance to the British, fell into utter disgrace with them on that account. Thus the societies felt, and thus they expressed themselves while they were let alone; but no sooner did they find parliament were preparing to repress their presumption and mischievous projects by a coercive law, than they turned short round, changed their tone, and flew into the arms of that constitution which but the day preceding they despised, vilified, and denied the existence of; attributing to its perfections more than ever had been found in any human institution, and extolling its principles of liberty to that romantic and extravagant excess, that it contained within itself that freedom which was to be its own destruction. To that situation, Mr. Grant said, the arguments on the other side were reducible, that if they were founded in reason, nothing was to be done which could be attended with the slightest temporary inconvenience. Perhaps, the gentlemen had some secret to impart, some new mode of legislating, by which every good might be attained without its concomitant evil; every advantage gained without some sacrifice; the constitution be preserved from utter ruin, without weakening it in any of its parts; and in the present case, be left as perfect as it was before, after a law suitable to the demands and necessity of the time should be passed. If the gentlemen were possessed of such a secret, it was unknown to him, and the disclosure of such a novelty in legislation could not fail of being satisfactory to the House

In many great states it had been found necessary to recur to the most unlimited agency, and to yield to a temporary suspension of all the powers and privileges of the people, for great and important purposes. To this extent, however, he hoped, and was sure, England would never have occasion to recur. It was, however, a principle which had never been disputed, that it was fit to surrender a small portion of freedom for a time, in order to save the remainder of the whole. For his part, he would again repeat, that he did not hold out this as a speculative improvement; on the contrary, he was convinced it was, to a certain degree, an evil in itself, and an infringement on the constitution. Theorists in France had first maintained and acted on the proposition, that all power lay in the people, and that the people could not divest themselves of it; but they had at length arrived at such a

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period of political improvement, as to hold, that when once the people had delegated their authority, no part of it remained behind with them; that to assemble for the redress of grievances, was an unlawful reassumption of their power; and that only an individual had a right to petition. Having never followed their theory in the first proposition, he would not in the second; a legislature might, according to his judgment deviate from its original purposes, while meetings of the people had this salutary effect, that whatever inequality there might be in their elective rights, it was amply counterbalanced by their right to meet and to petition. There was no country in the world, he was convinced, in which the direct sense of the people had greater effect or weight than in Great Britain. He would, therefore, never think of proposing to infringe upon that power, even an atom's length, for any purpose less than the preservation of the bulk of that power. Gentlemen, indeed, had said, that we were not reduced to the hopeless necessity of resorting to any such remedy; it was however, found, that the corresponding society affiliating with France, was disseminating seditious principles, and carrying them as far as they could in effect. Was it not, then, their duty to prevent them? Would gentlemen say, that rather than resort to a mode of prevention, trenching in a small degree on the rights of the people, they would leave these societies at liberty to work the ruin of the constitution?

Some gentlemen had said, that there were already laws existing to punish sedition. He was aware there were laws to punish it in solitary individuals; but were there laws suited to the present occasion, when sedition was carried on by thousands upon system? He fancied the laws were inadequate to meet them all by single indictments. If, in conformity with the advice of one gentleman on the other side, prosecutions were set on foot, an hon. friend of his would say, "No: multiplied punishments produce multiplied evils." How, then, were they to act? If the existing laws were to be thrown on the shelf, what then? Why, "conciliate," says another gentleman; and thus they were to be made the sport of various and contradictory opinions. For his part, he hoped he did not arrogate too much to himself, when he said, that no man more admired lenity, or more steadily believed in the happy effects of it, than himself; but lenity must depend on circumstances; and though there were very few, there certainly were some cases where it could not possibly produce any good effect; for the House must keep in mind that, in conciliatory measures, there must always be something to concede. In the contest with America, had lenient measures been adopted in time, it would probably have been attended with the most beneficial and happy consequences to the two countries; and it was under that impression that many persons, to whom the country looked up with the greatest veneration, earnestly recommended it. In the difference which we had with Ireland, lenity and forbearance became advisable; as the concession of a free trade, whatever might be the right, was wisely acceded to, in order to preserve the affections of that nation. What, however, did these societies require? Nothing less than the surrender of our religion, our property, and the whole of our constitution. That they demanded the destruction of the constitution was obvious: he did not misrepresent the fact, when he said so. None who professed the principles of Mr. Paine, and held them out for approbation and practice, could think they had any duty relative to the constitution, but to destroy it, as an usurpation, and a system not only inexpedient, but unlawful.

When first French politics were imported into England, the opinion was, that the rights of man were paramount to, and must take place of, all other principles; and that the will of the majority was to decide against the dictates of judgment and understanding; that is to say, that however ignorant, unlettered, and void of intellect the majority might be, an inferior number, composed of men of wisdom, learning, and experience, must yield to them: this was the favourite doctrine; it was rebellion to argue against it, because it was the "will of the people." They soon found, however, that the will of the people was in favour of the constitution. They directly altered their system, chose to forget their principle of the right of majority, and it no longer remained a question of will, but of right; that is to say, certain innate, natural rights, belonging to, inherent, and inseparable from man; namely, universal suffrage and annual parliaments: and if there were only one hundred persons in

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favour of it, and the rest of the nation against it, it was tyranny in the majority to controvert the right. What conciliation then, he asked, could take place, when there was nothing to concede but their whole demand, the annihilation of the constitution? Let the hon. gentleman who had just sat down, and who proposed conciliatory measures open the negociation; and let him see whether he could compromise for less than universal suffrage and annual parliaments.—Was the House quite prepared, for the purposes of conciliation to disregard the will of the people, and impose on all the rest that mode of government, in order to satisfy the few who demanded it? Supposing this effected, had the hon. gentleman no other difficulties to encounter? They might say that they were willing to let the monarchy alone; but it was not matter of choice with them; for their great oracle, Paine, had laid it down, that hereditary monarchy was not lawful; so that if the suffrage of the whole body of the people was for monarchy, there was no security against the attack of any ten men. Nay, Paine had asserted, that, in that point, they had not only no right to bind posterity, but had no right to bind themselves; for so great was the absurdity of monarchy, that even the sovereignty of the people was not competent to effect or give it force.

The only way, then, to conciliate, was, to leave them to destroy the constitution. Could any man point out specific terms of concession in such a case? Did the states of Germany conciliate with the Anabaptists, who claimed universal dominion on the rights of saints, as this body claimed the government of the country on the principles of the rights of man? No. When the descendants of the saints had recourse to arms, they were subdued by the princes, and had since become as peaceable and submissive subjects, as if they had never dreamed of such absurd and extravagant demands. Gentlemen had said, this was not a case of so much urgency as to stop the freedom of action; they could nevertheless not fail to see their danger. That danger had been characterised in the resolutions of both Houses: the evidence, which grounded them, showed that the conduct of those societies tended to the dissolution of society; and the House had their own (the societies) authority that they were pursuing dangerous plans, not only with industry, but with success. He would not enter into a nice investigation of the facts, but say, that circumstances of notoriety concurred to point out the danger. Upon the same foundation the committee adopted, he went. If the surrender to be made was equal to the value gained, the situation was truly deplorable. Gentlemen would see, then, the advantages of interference, before the ripened mischief made the point to be gained more precarious, and the sacrifice greater; they who would wait to let it ripen would, if in France in 1792, say thus, "do not interrupt the Jacobins, let them go on till they do some mischief, and then punish them." And the morning of the 10th of August would be the first effort to rebut their wicked machinations.

He would not, he said, so far impose upon the people, as to say that this measure took nothing from them. He would, on the contrary, say, that it took that which he would not take, if he could avoid it; but it by no means merited the terms used by gentlemen on the other side, that it was a surrender of the constitution, and left nothing worth enjoyment; that was a gross mistake. The right to petition was not a part of the constitution; it was nothing in itself, but only a means to obtain an end; an instrument to operate on the legislature. It was surely better to give it up alone, than to give up both it and the constitution together; if the constitution went, it would be folly to suppose the right to petition would remain. Were all the benefits of the constitution lapped up in this one right? No! Estimate it as highly as gentlemen could, it was nothing when put in competition with liberty and constitutional happiness. Let the loss of the constitution and its guard be compared with the loss of the guard alone, and then let them determine on their choice. If he over-rated the danger, gentlemen who thought so should state their estimate of it; that, however, they studiously avoided; and whenever the subject naturally led to that point, they flew off from it to incidental topics. Not one gentleman on the other side had given his opinion on the quantum of the danger. Could the existence of large bodies of men, uniting in a conspiracy, and drawing in all the incidental bad humours of the state to bear against the constitution, be denied? Could they be laudable, good, or free from dangers? Would a

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revolution be a benefit? If those societies were pursuing laudable ends, why were they not encouraged? If the contrary, why should they not be resisted? What undefined, strange principle of action must that be, which neither merited applause, nor called for resistance! He hoped gentlemen would candidly say, under which of those classes they should be ranked. Gentlemen had said, that the presumption of guilty intentions in those societies had undergone a judicial discussion, and held out a verdict as a proof that no danger existed: for his part, he had always studiously avoided that subject, and would not discuss whether verdicts had the operation of merely exempting from punishment or restoring to innocence; but surely no one would contend, that, because twelve men gave an opinion, the House should abandon all legislative judgment? Would it not be monstrous, if, when the state of the people called aloud for their protection against those numerous societies, they should answer, "We must do nothing, because twelve men have declared three of the society not guilty, and therefore there can be no danger to submit to ruin! we cannot save you!" To this height, extravagant as it was, he maintained, the arguments of gentlemen on the other side carried it.

The next mode of getting rid of the subject adopted by gentlemen was saying, "discontent and disaffection are the natural consequences of the measures of administration, the war, &c." On that he would say a word, and answer the argument by a simple question, "Did the proceedings of those societies, or did they not, begin before the war? Did they not begin when there was no other ground of complaint or grievance, but the constitution itself? Yet this was compared to the time of Charles 1st, who, by making innovations, was destroying the constitution, and would have left no liberty; and thereby raised disturbances, which he endeavoured to prevent by harsh punishments. It was not for protecting but for invading the constitution, that he incurred national resentment; but it was the refusal of the parliament to innovate and destroy the constitution, which afforded matter of complaint and grievance to those societies. And while gentlemen insist that the chief criminality of ministers, which fomented those disturbances, was, that they had thrown the nation into war when in a state of unexampled prosperity, they forget that it was in the midst of that prosperity that those societies began their attacks on government.

It had been said, that ministers had acted inconsistently in alarming the House about danger, after having stated, in the Speech from the Throne, that the people were quiet. Before he spoke to this he must observe, that there was a fashion grown up of late, that made it impossible to state a sober proposition, without fencing and guarding it round with all its meanings and definitions. Ministers had stated that the people were loyal, but that did not argue that there might not be one or more discontented. If a man stated that there was a considerable degree of disaffection in those factious societies, then the construction of government was, that the whole body of the people was disaffected, the whole nation libelled, and all were to be deprived of their freedom. Each of those, however, were nevertheless true in a reasonable extent. It was certainly true, that the great body of the people were well affected to the constitution; did it, however, follow, that, because the number of the disaffected was small, the majority should not take measures to prevent the mischievous effects of their disaffection? That was the very condition in which strong measures should be taken; this was a point insisted upon on a similar occasion by the first philosopher and statesman of Rome, who said that a body of conspirators, of very small number, when compared with the bulk of the people, might shake the empire to its foundations. France, also, afforded a useful lesson, how small a portion of men had there produced the most ruinous effects. Paine himself stated, that the first persons who set on foot the Revolution were no more than seven, so despicable in talents, character, and power, as not to be thought worth resistance.

If those societies proceeded on the model of their predecessors, the Jacobins of Paris, and followed up their plans, they would eradicate all regard for the constitution, and destroy respect for every species of authority; not merely the authority of place and office, but the authority annexed to men of talents which was as much the strength of the state, as any authority derived from artificial institutions. It would, indeed, be lamentable, if such made a party against itself; as it would be ridiculous to think, that if they could

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get the disaffected to go certain lengths, they might then throw them off. Such men should recollect, for their own instruction and guidance, that if all that was wise, great, and virtuous in human nature rose up on one side, and the wretched libeller Marat, on the other, said to the people. "Be on your guard against the aristocracy of talents and wealth; you cannot suspect me, who have neither talents nor views of aristocracy:"—all would sink before him. To that state, he said, it was possible we might be brought. A right hon. gentleman, of the most splendid talents, had to be sure said, that English minds were so constituted as to resist such examples; he believed he was to a certain extent, right: but though they might be able for some time, they could not be expected to resist a constant address to the passions, when assailed in the most flattering way; not in the way of obedience to power, but of rights and resistance to usurpation.

The very evils incident to life were attributed to government. Human nature itself might be brought into contempt, if its foul side was always produced, and its fair side put in the shade; and for those innovators he would say, that Swift's description of the Yahoos was as fair a representation of human nature, as the Corresponding Societies description was of the constitution. Keep out of sight all that is beautiful and excellent, and the best work of creation might appear foul and detestable. If those societies and lectures were permitted to proceed farther he would venture to predict that the natural disposition of the English mind would undergo a complete and fatal change. The fascination of the kind he complained of, however slow, was inevitable in its effects. It had, indeed, been alleged, that there was a great disparity between the French and English characters, and from this the conclusion was drawn, that however similar the causes, the effects could not possibly be the same. He was ready, as well as happy, to admit the disparity of their characters; but he was far from being sure that the worst effects might not be produced, by men of great rank and character attempting to pursue public objects successfully by the assistance of the multitude. The multitude, he believed, were seldom harangued with so much success, as when the speakers addressed themselves to their ruling passions, when they attributed their inferior stations in life to the grindings of oppression, ascribed every incidental evil, to which human nature is exposed, to the errors and wickedness of the government, and, without ever adverting to their duties, inflamed them with extravagant notions of their rights.

France, he said, like the societies in question, at one time entertained so high a notion of metaphysical theories in government, that she erected an edifice of her own, in contempt of those musty fabrics, projected and matured by the experimental wisdom of ages. So greatly had this ephemeral production been admired and applauded in this country, that, three years since, he should have been censured by some gentlemen, and thought too sanguine, if he had ventured to predict that it would not outlive the old and venerable fabric of the British constitution. They even then theorized upon theories, and tried the wonderful exercise of the Rights of Man, building their constitution upon the sovereignty of the people, and the will of the majority. They supposed, that if the mass of a nation was assembled, and the people of wisdom, experience, sense and erudition, ranged upon one side, with the foolish, the giddy, and the idle, opposed to them on the other, if the latter was more numerous, their will should be obeyed. As it might well have been foreseen, this experiment had only proved the futility of such theories; and yet gentlemen would still persist in encouraging such absurd as well as mischievous opinions. Mr. Grant, in glowing colours, described the miseries which those symptoms had produced in France: the oppression of the people; the dethronement, imprisonment, and subsequent murder of the monarch: the expulsion of the clergy; and the extinction of religion, which he wished the gentlemen on the other side to weigh well in their minds. Considering the bill as a measure of protection, and not of prohibition, at least in the strictest and worst meaning of that word, he should vote against the motion. He apologized to the House for having been led into much greater length than he originally intended, by the various ideas that had suggested themselves as the different topics came under his review, and although he thought it right to support the bills, he admitted them to be an infringement; though he was convinced that they would operate, not, as was said, as a ruinous restriction upon the constitution, but as a salutary protection of that glorious fabric.

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Mr. *Fox* said, he had listened with sincere pleasure, in common with every man in the House, to the able and eloquent speech delivered by the learned gentleman who had just sat down. He respected the talents of that learned gentleman, and admired his ingenuity. Nor did he mean any thing in the least disrespectful to the masterly display of both, which he had made on the present occasion, when he said, that though his speech was full of argument, and replete with eloquence, a man might safely subscribe to every statement he had brought forward, and every conclusion he had drawn, and yet vote against the present bill. The ingenuity of the hon. and learned gentleman had indeed, made no inconsiderable impression upon the House; though his arguments seemed not so much to bear on the principle of the bill under immediate discussion, as on the general policy of legislation. He felt the difficulty, therefore, in replying to a speech of that nature. Able and extensive as it had been, he was not in the least disposed, nor did he believe any sober politician would be inclined to controvert the principles laid down by the hon. and learned gentleman in the beginning of his speech. His position was, that, at a time of considerable danger, it was proper to give up part of the constitution, in order to secure the remainder. That maxim abstractedly considered, was *incontrovertible*; before it could have any weight, however, when applied in a practical view, it was necessary to prove the existence of the danger, its extent and magnitude; it would also be necessary to show, that the remedy called for was exactly a surrender of that portion of the constitution which it might be proper to sacrifice, and not more than the value of the object to be secured. The degree of constraint which government was to impose, could be the only ground of doubt and difference of opinion. That government was in its application a system of restraint upon human action, was clear and undeniable. It was important, however, to consider well the quantity and the quality of the restraint which circumstances might require.

The hon. and learned gentleman had complained, that it was the temper of the times to take every general principle as meant to apply universally, and to fasten upon the person who employed it all the absurd consequences which might arise from such an application. He admitted the truth of the observation, and was convinced that no man had better reason to complain than himself. The hon. and learned gentleman had accused gentlemen on that side of the House of wishing to produce this dilemma, either that the people were animated by an universal spirit of loyalty, or that they were inflamed with a spirit of disaffection. He had never said that the people were completely harmonious in their political sentiments or opinions, or that no discontent prevailed. It had, however, been often stated on his side of the House, and he would call upon the hon. and learned gentleman to say, whether he believed the spirit of dissatisfaction was greater or less at present than it had been previous to the war. He had never stated, because he had never believed, that the state of public affairs was wholly without danger. If it was allowed to be greater, to what cause was the increase to be attributed? He was surely entitled to presume that it was occasioned by the discontents excited by an impolitic and unjust war? by the measures of a corrupt, incapable administration; and that it was ascribable to the complicated miseries arising from the decay of commerce, and the pressure of famine, into which the country had been plunged. The war, then, had produced an effect directly the reverse of that stated by ministers themselves as the chief reason for triumphing in its success. If, on the other hand, the ground of apprehension was less, why were the sacrifices required for public security to be increased? He asked pardon of the House for the repetition in which he indulged; but when the same arguments came from the opposite bench, and the same objections were offered to gentlemen on his side of the House, he could not forbear repeating that material question.

With regard to the point of danger, of which the hon. and learned gentleman was so anxious to have a specific declaration of his sentiments, he had always stated, that some discontent existed, which might not be unworthy of attention, but which would never justify the legislative remedies proposed. The hon. and learned gentleman had affected to treat as a paradox the observation of his hon. friend (Mr. Lambton), that the danger of an attack was often created by the injudicious mode of defence. If it was a paradox, however, it was one of those which frequent experience proved to be true. Who could

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deny that many political evils were rendered desperate by the absurd methods pursued to remedy or to remove them? Was the hon. and learned gentleman so much more of a Whig than himself, as to impute the whole evils of the civil wars, and the resistance to Charles 1st, to which the nation owed its liberties, to the conduct of that ill-fated monarch? Did the hon. and learned gentleman believe all these calamities were to be ascribed to the illegality of ship-money, or of various other acts of that prince? Had there not been at that time a body of persons, previously inimical to the constitution; and was not the attack upon the monarchy rendered formidable, and even tragical in the event, by the rigorous measures which rendered the breach irreparable? The hon. and learned gentleman had also mentioned the case of the Americans. When that unfortunate dispute was first agitated, and when he heard scraps of pamphlets, and papers read, to prove that there was a settled design formed to shake off the connexion with this country, he had never been so unqualified a supporter of America, as to assert that no such designs were entertained. He was convinced, however, that those who had conceived the project of separating from the mother country were few indeed. By injurious attempts to remedy the evils then complained of, the catastrophe which it was intended to prevent was realised.

The hon. and learned gentleman had recurred to the fallacy so often answered, of which gentlemen on his side were accused, that they ascribed the discontents to the measures of his majesty's ministers. The hon. and learned gentleman asked, did not these discontents exist before the war, to which much of the discontent was imputed, had been commenced? Here again he would recall the two examples he had already employed. In the time of Charles 1st there might have existed causes of dissatisfaction, which, nevertheless, the extravagant pretences of that prince, and the impolicy of his ministers in urging them, carried to that height which proved so fatal to themselves. At one period a compromise with America was practicable, but the opportunity of conciliation was lost, and the desperate system pursued in this country for ever cut off all hopes of that compromise being effected.

It had been said, that much danger was to be apprehended from that party hostile to the constitution drawing to itself all the discontented persons of the country. If the strength of this party depended upon the discontent which a bad government produced, and as the worst administration necessarily would occasion the most discontent, he would defy any man to deny that a great part of the ill humour arose from the bad conduct of ministers. If the discontented were composed of two kinds, those who were enemies to the constitution, and those who, from a spirit of discontent, joined their party and increased its number, correct the abuses which had been so much the subject of complaint, introduce moderation and economy in the public expenditure, and banish that corruption which had crept into the representative body. Such a proceeding would separate those from the disaffected who were displeased with abuses, and at the same time reconcile those to the constitution who had been alienated by its defects.

The hon. and learned gentleman, in animadverting on what had been said to come from gentlemen on his side, had only engendered a monstrous doctrine to show his dexterity in demolishing it. It had never been said, much less contended, that the verdict of juries on the state trials had proved that no seditious practices existed, but merely that the traitorous conspiracy was proved to be ill-founded. He had no hesitation to declare, that he considered the verdict of the jury on that point to be of more weight than the report of the secret committee. The hon. and learned gentleman had attempted to point out an inconsistency between the language at present held, and that which they had heard upon the report of the secret committee. The hon. and learned gentleman likewise had confounded a variety of circumstances, and, from the result of his own combinations, had endeavoured to fix on his side of the House that inconsistency which he had first invented, and then urged as a charge of inconsistency.

With regard to the degree of danger the honourable and learned gentleman imputed to the Corresponding and other societies (principles which he charged upon no authority), it was impossible to believe that, among the whole, there was a majority unfavourable to monarchy. They might, indeed, have professed to maintain the doctrine of annual parliaments, and universal suffrage. These

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principles, however, were not borrowed from the French; they had been inculcated in discourses and writings, by respectable characters in Great Britain many years since; and if they contained the evil imputed to them, the French might complain, with more justice, that they had been imported into France from this country. Those societies, the hon. and learned gentleman had observed, must have some determinate object; either they were deserving of encouragement, or of disapprobation. Could there, he exclaimed, be no division of men, or opinions, which they might overlook, without being censured for their approbation, or accused for their neglect? Must the intolerance of French politics be adopted, which permits no minority, but which proceeds to violence, bloodshed, and extermination? There were many opinions which it was indifferent to approve, or to condemn; and the dilemma which the hon. and learned gentleman employed was the most absurd and ridiculous that had ever been framed. Was a man bound to attack every opinion different from his own? He had never been an advocate for annual parliaments; yet that opinion had been avowed and maintained at various periods within this century. By the tories it was held as a favourite doctrine; and it had been said that the restoration of that system was a part of the plan of politics taken up in the beginning of the present reign, though that condition had never been observed. Instead, then, of attempting to legislate on this subject, it would be most proper to allow the public to judge for themselves, and trust to the good sense of the English nation. He had stated all his opinions. He had never evaded an explicit declaration. It was now to be considered how far the *bill* was applicable to the object it professed to have in view. If Englishmen had been seduced from their attachment to the constitution, how could it be restored by the present bill? Meetings might, indeed, be put a stop to, but a total communication of sentiment could not be prevented. The intercourse of the mind would remain. If there were, as represented by the honourable and learned gentleman, something so fascinating in the opinions it was to proscribe the prospect was indeed alarming. Good God, sir! said Mr. Fox, in such a case, what must be the horrors of our situation, when, in addition to its other evils, this detestable bill, strong as the measure is, is found to be inadequate to its purpose!

The hon. and learned gentleman had treated with a degree of contempt an opinion of his hon. friend (Mr. Sheridan), that the difference of habits, government, and character, would prevent the people of this country from ever sinking into the horrors to which the French, unprepared for freedom, had been exposed. Did the right hon. gentleman think that the negroes of the plantations, or the subjects of Russia, Turkey, or Germany, were capable of that liberty with which an Englishman might be indulged? It was not fair, therefore, to reason from Frenchmen to Englishmen, or to argue that in such dissimilar circumstances the same events would take place. Was the hon. and learned gentleman correct in his information concerning the French revolution? The Jacobin club produced, perhaps, terrible effects upon minds not prepared for so great a change. Yet many of those events, to which their future disasters were owing, such as the depriving the clergy of their lands, and the nobility of their titles, took place previous to the establishment, at least to the credit and authority of the Jacobin club.

The hon. and learned gentleman had stated, that the whole of the confusion which had desolated France, had arisen from the Jacobin clubs; that the number of them were few, that the original republican club in Paris consisted only of seven members, and that they afterwards produced the revolution of the 10th of August, 1792. Would that hon. and learned gentleman seriously say he believed it rational to frame a legislative provision which was to affect a whole nation, with respect to the most important part of its rights, on the ground of the determination of seven persons? The revolution in France was not to be accounted for in that manner, nor was that the period at which they were to date its commencement. When, then, was the period? What was the cause of the revolution of the 10th of August, 1792? Be it remembered, that he was no advocate for the conduct of the Jacobins; no liberal man would accuse him of it; though he knew he must put up with that ill-founded charge from others. Let them inquire into the cause of the success of the Jacobins in France; such an inquiry was necessary in order to be able to follow the arguments of the hon. and learned gentle-

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man upon that subject. He would say, then, that they were concluding irrationally indeed, if they said it was owing entirely to the doctrine of the Jacobins that the horrors of that day were exhibited, or that they were the cause of the dreadful catastrophe of the late unfortunate monarch of that country; a prince whose cruel fate might induce them to overlook the errors of his reign. In fact, his fate was in a great degree owing to his avowed connexion with the nobility of that country: a nobility whose views were hostile to the interests of the people. He believed the king and his ministers were guilty of planning what was attempted at that time against the people. Supposing even that they were not, he would ask, was not the suspicion that they were guilty, a great cause of the revolution of the 10th of August, 1792? At that time the king's brother had left him; and the situation of his family, and their connexion with the house of Austria, then known to be enemies to the government of France, were so well ascertained, that their objects could not be doubted. Did not these circumstances give ample room for suspicion, on the part of the French, as to the intentions of the king, and those ministers by whose council he was so fatally guided? If this were admitted, he had a right to say, that the catastrophe was no more accelerated by the wickedness of those who attacked, than by the baseness and folly of those who defended.

The hon. and learned gentleman had observed, that if he had said some years ago, that the then constitution of France would not last so long as our own, he should, by many, have been treated as a person who spoke in a very visionary and idle manner. In what company that gentleman had been, or from whose sentiments he formed that conjecture, Mr. Fox said, he did not know; if the learned gentleman had alluded to him, he had never said any thing like it. On the contrary, he had always entertained and professed a different doctrine. Would any man assert, that although he had often said, that the first French revolution was a glorious event, he had asserted, that the systems which had been built upon that revolution were good? So far from it, the most moderate of them appeared to him to be unstable at least. That was his opinion; and the right hon. gentleman opposite to him knew it to be so; in one particular instance, he had emphatically so pronounced it. He meant to allude to a motion made for a reform of parliament. On that occasion, he had stated it as his opinion, and he had not changed it, that an old edifice, well altered and repaired, was more likely to be useful than one built on an entirely new construction, of the structure of which they had no experience.* That was his opinion then, and it was his opinion at the present; the hon. and learned gentleman's allusion to opinions, therefore, if directed to him, was unfairly directed, and the sarcasm ill applied.

The rest of the hon. and learned gentleman's speech was what was commonly called pathetic, and he thought it necessary to take some notice of parts of it. He had stated, that if there was a violent party in this country, who pretended to have in view the destruction of the power of ministers and the correction of abuses, and they should once succeed, they would not stop there: that not only the minister would be the object of their fury, but they would aim at the destruction of others who had any authority in the country from their talents, independent of any connexion with the government. If the hon. and learned gentleman did him the honour to include him under that class, he would tell him plainly, the caution to him was needless; by such an observation the hon. and learned gentleman only brought to his mind what, indeed, had been but seldom absent from it for many years. "If ever," said Mr. Fox, "those persons who wish to destroy the constitution of this country, as was done in the French revolution, by rapine and plunder, by carnage and desolation, should become a triumphant party here, though I may not be the first, I am well convinced I shall not be the last object of popular fury." If ever the day should come, which God avert, when men's lives should be subject to that sort of popular fury, he thought there were others who would go before him, and those were the authors of the present measures; and from that time, in his conscience, he believed, his life would be short indeed; and therefore the hon. and learned gentleman need not warn him upon that subject. He saw that danger clearly; but he was not one of those who looked at the danger on one side only. The hon. and learned gentleman had said, if he joined bad men, he

* See Vol. 30, p. 916.

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could not shake of his companions, nor check their excess; a truth which history confirmed. Was it not true on the other side also? If it was true, that if he acted with men of bad principles, the effect of such a junction might be that those who had served them in a particular cause, might have no power to resist their fury; was it not, however, undeniably true, that those who joined a particular minister, and assisted him in his attempts to destroy the constitution of the country, would feel the same inability to check the progress of his ambition? Was it not as clearly true, if he had lent his assistance to bring about that euthanasia of the constitution, that he must afterwards yield his life to that accursed power who had effected the destruction of their country? He believed the time was not very distant, when those who had lent the minister, what he would call very honourable assistance, would not deny that they were become his personal slaves. He believed that some of them had felt it, and he thought he had seen some symptoms of that fact already. Certain gentlemen smiled at this: he did not mean to say any thing that could be deemed a personal degradation to them, if they did not feel it for themselves. But when he saw, day after day, and year after year, a system pursued, which tended to bring this country to that euthanasia predicted by Hume, he could not say he was willing to be an assistant in its accomplishment. With regard to the mischief, which was dreaded from the junction of men who only wanted to reform abuses with those who wished the destruction of the constitution, he would apply the remedy proposed by Mr. Burke in the case of America, who had said on that occasion, that he would wish to separate the Americans—not by separating the north from the south, not by separating the east from the west, not by separating Boston from Philadelphia, but by separating those who were merely discontented with the abuses of the constitution, from those who had a hatred for it, and wished its total destruction.

The hon. and learned gentleman had asked, in what manner they should enter into a negociation with these discontented persons? He believed there would be some difficulty in knowing with whom to treat. As to the question, how he should treat? his answer was by conciliation. This would be done, as Mr. Burke had said, by separating them. How were they to be separated? By setting about to correct abuses in earnest, as much as possible, whether in that House, or in any other part of the government. This would remove all ground of jealousy and discontent on the part of those who loved the constitution, and who wished only to see the abuses eradicated; and this would destroy the alliance between them and those who really harboured a hatred for the constitution itself. This was the sort of separation which Mr. Burke recommended with regard to the Americans; and this was the separation which he would recommend, of the discontented in the country, at this time Strike out the bad part of our present system, add to the beautiful parts, if that be possible; but, at all events, strike out the bad ones; and then, although they should not reconcile to their system, those who hated the constitution itself, they would deprive them of their force, by taking away the arguments by which they prevailed on good men to join them, and by which alone they could ever become formidable: namely, that of stating the abuses of our constitution as they subsisted in practice at present. What were the arguments that these men made use of to gain to their party those who loved the constitution, and which had been said by the hon. and learned gentleman to be so seducing? Topics of abuses in the constitution! Reform those abuses, and they took these seducing arguments away. It was, indeed, the whole of their argument; for as to their theory of government, that, he was sure, would not make any deep impression on the body of the people, who had too much good sense to be misled by such egregious fallacies.

The hon. and learned gentleman, in one part of his speech, and only in one, seemed to have a reference to the bill before the House. The hon. and learned gentleman admitted that the House was going to make a sacrifice by the measure before them; but had contended that what was retained of the rights of the people was still of higher value; the history of governments was certainly better than theory; in this, therefore, he agreed with the hon. and learned gentleman. He did not, however, agree with him, that what they were to retain was superior to what they had to lose, if the bill were passed into a law. That which was to be taken away was the foundation of the building. It might, indeed, be said, that there were beautiful parts of the building still left. The same

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might be said of another building that was undermined: "Here is a beautiful saloon, there is a fine drawing-room; here are elegant paintings, there elegant and superb furniture; here an extensive and well chosen library." But if the foundation was undermined, there could be nothing to rest upon, and the whole edifice must soon fall to the ground. Such would be the case with our constitution, if the bill should pass into a law. Our government was valuable, because it was free. What, he begged gentlemen to ask themselves, were the fundamental parts of a free government? He knew there was a difference of opinion upon that subject. His own opinion was, that freedom did not depend upon the executive government, nor upon the administration of justice, nor upon any one particular or distinct part, nor even upon forms so much as it did on the general freedom of speech and of writing. With regard to freedom of speech, the bill before the House was a direct attack upon that freedom. No man dreaded the use of a universal proposition more than he did himself; he must nevertheless say, that speech ought to be completely free, without any restraint whatever in any government pretending to be free. By being completely free, he did not mean that a person should not be liable to punishment for abusing that freedom, but he meant freedom in the first instance. The press was so at present, and he rejoiced it was so; what he meant was, that any man might write and print what he pleased, although he was liable to be punished, if he abused that freedom; this he called perfect freedom in the first instance. If this was necessary with regard to the press, it was still more so with regard to speech. An *imprimatur* had been talked of, and it would be dreadful enough; but a *dicatur* would be still more horrible. No man had been daring enough to say, that the press should not be free: but the bill before them did not, indeed, punish a man for speaking, it prevented him from speaking. For his own part, he had never heard, of any danger arising to a free state from the freedom of the press, or freedom of speech: so far from it, he was perfectly clear that a free state could not exist without both. The hon. and learned gentleman had said, would they not preserve the remainder by giving up this liberty? He admitted that, by passing of the bill, the people would have lost a great deal. A great deal! (said Mr. Fox) aye, all that is worth preserving. For you will have lost the spirit, the fire, the freedom, the boldness, the energy of the British character, and with them its best virtue. I say, it is not the written law of the constitution of England, it is not the law that is to be found in books, that has constituted the true principle of freedom in any country, at any time. No! it is the energy, the boldness of a man's mind, which prompts him to speak, not in private, but in large and popular assemblies, that constitutes, that creates in a state, the spirit of freedom. This is the principle which gives life to liberty; without it the human character is a stranger to freedom. If you suffer the liberty of speech to be wrested from you, you will then have lost the freedom, the energy, the boldness of the British character. It has been said, that the right hon. gentleman rose to his present eminence by the influence of popular favour, and that he is now kicking away the ladder by which he mounted to power. Whether such was the mode by which the right hon. gentleman attained his present situation, I am a little inclined to question; but I can have no doubt that if this bill shall pass, England herself will have thrown away that ladder, by which she has risen to wealth (but that is the last consideration), to honour, to happiness, and to fame. Along with energy of thinking and liberty of speech, she will forfeit the comforts of her situation, and the dignity of her character, those blessings which they have secured to her at home, and the rank by which she has been distinguished among the nations. These were the sources of her splendour, and the foundation of her greatness.

——Sic fortis Etruria crevit,
Scilicit et rerum facta est pulcherrima Roma.

We need only appeal to the example of that great city, whose prosperity the poet has thus recorded. In Rome, when the liberty of speech was gone, along with it vanished all that had constituted her the mistress of the world. I doubt not but in the days of Augustus, there were persons who perceived no symptoms of decay, who exulted even in their fancied prosperity, when they contemplated the increasing opulence and splendid edifices of that grand metropolis, and who even deemed that they possessed their ancient liberty, because they still retained those titles of offices which had existed under the republic. What fine panegyrics were

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then pronounced on the prosperity of the empire!—"Tum tutus bos prata perambulat." This was flattery to Augustus: to that great destroyer of the liberties of mankind, as much an enemy to freedom, as any of the detestable tyrants who succeeded him. So with us, we are to be flattered with an account of the form of our government, by King, Lords, and Commons—"Eadem magistratuum vocabula." There were some then, as there are now, who said that the energy of Rome was not gone; while they felt their vanity gratified in viewing their city, which had been converted from brick into marble, they did not reflect that they had lost that spirit of manly independence which animated the Romans of better times, and that the beauty and splendor of their city served only to conceal the symptoms of rottenness and decay. So if this bill passes you may for a time retain your institution of juries and the forms of your free constitution, but the substance is gone, the foundation is undermined;—your fall is certain and your destruction inevitable. As a tree that is injured at the root and the bark taken off, the branches may live for a while, some sort of blossom may still remain; but it will soon wither, decay, and perish; so take away the freedom of speech or of writing, and the foundation of all your freedom is gone. You will then fall, and be degraded and despised by all the world for your weakness and your folly, in not taking care of that which conducted you to all your fame, your greatness, your opulence, and prosperity. But before this happens, let the people once more be tried. I am a friend to taking the sense of the people, and therefore a friend to this motion. I wish for every delay that is possible in this important and alarming business. I wish for this adjournment—"Spatium requiemque furori." Let us put a stop to the madness of this bill; for if you pass it, you will take away the foundation of the liberty of the people of England, and then farewell to any happiness in this country!*

The House divided on Mr. Curwen's motion:

Tellers.

Yeas	Mr. Christ. Curwen Mr. Whitbread	70
Noes	Mr. Steele Mr. Wallace	267

The House again divided on the question, "That the Speaker do now leave the chair:" Yeas, 272; Noes, 70. The House then resolved itself into the committee; after which, the chairman reported progress, and obtained leave to sit again on the 27th.

Nov. 27. After several petitions against the two bills had been presented, Mr. Pitt moved the order of the day for going into a committee on the Seditious Meetings bill. Mr. Fox rose merely to ask when it was probable that the report, and the third reading of the bill, would come on. Mr. Pitt said, that immediately after the bill had gone through the committee, he should move for it to be printed, and that the farther consideration would probably come on about Tuesday, December 1st, and the third reading on the Thursday following. Mr. Fox, Mr. Grey, Mr. Lambton, Mr. Whitbread, and the other opposers of the bill (Mr. Sheridan excepted) immediately rose and left the House. Mr. Sheridan said, he did not attend for the purpose of proposing any amendments to the bill, being persuaded that no alteration, except that of negativing every clause in it, would be of service, or render it palatable to the great majority of the public. He attended chiefly to watch some things which were going forward, and to hear what amendments would be proposed. The House then went into the committee; the several clauses of the bill were gone through; and the bill was reported to the House.

Dec. 3. After several petitions against the bills had been presented, Mr. Pitt moved the order of the day for the third reading of the Seditious Meetings bill.

General *Smith* said, he would oppose the third reading of this bill, which was by far the most fatal, in his opinion, that had ever been introduced into that House. Two years ago the minister, in moving for the first suspension of the Habeas Corpus act, admonished the House to consider whether the danger would not be greater, under all the circumstances, in submitting to the evils with which they were threatened, than in suspending for a while this

* The late Mr. Whitbread, in a letter to the Editor of this Work, written a short time before his death, informed him, "that Mr. Fox always spoke of this reply to Mr. Grant with greater satisfaction than of any speech he ever made, arising totally out of matter brought forward in debate."

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otherwise salutary protection of the liberty of the subject. At that time, evidence was laid before the House of the existence of the danger; and upon actual proofs of treason, recorded against the societies then in question, he had voted in favour of the suspension. At present, however, when the House was called upon to adopt a measure much more violent and serious, no proof was given of the existence of the danger. To adopt the ministers admonition, he wished to consider whether we had any thing to gain in security, as an equivalent for the surrender we were making. Such was his view of the measure, that he vowed to God, he should think an actual invasion not half so great an evil as the passing of this bill; the enemy must shortly be repelled, but the operations of the bill would be permanently destructive. He foresaw all the mischief that was likely to result from them; disturbance to the happiness, peace and tranquillity of the nation. If the bill had been compared to the riot act, and merit had been assumed because it was said that the bill was not worse than that act, he denied the assumption. In the riot act it was provided, that the magistrate should come as near as possible to any meeting. Why had not the same provision been introduced into this bill? Instead of such a provision, the magistrate might go into a neighbouring field or highway, and read the riot act, and nineteen out of twenty persons, if the meeting were numerous, might not know that the riot act had been read. The bill ought to have been divided into two bills.

Mr. *Hardinge* said, that he would make one preliminary comment upon what he had just heard from the hon. general, partly out of respect for him, and partly because what he had said was material to a point, in the discussion of the bill, which point, fairly considered, would remove at once every disagreement between them, so as to make the general his convert upon his own principles. The hon. general told us that "he co-operated with government and with a majority in the House of Commons, upon the bill to suspend the Habeas Corpus act, on actual proofs of treason recorded against the societies who had produced that measure." But he would now ask the general himself, or any other man of honour, if he would put his hand upon his heart and say, that in his judgment and conscience, any one of their tenets and of the conspiracies then recorded against them, did not exist at this moment, in equal, if not accumulated force. They have themselves asserted in print, and recently too, "that still their ends are the same." Yet we are told by the hon. general, that although it was just and wise to suspend the Habeas Corpus act, it is iniquitous and foolish to pass this other bill, for want of similar proofs; yet he must admit, that in comparison to that restraint upon the liberty of the subject, we are new doing, what is "light as air:" and that our proofs are the same is evident; because the societies exist, and have not only never disclaimed, but have in explicit, though general terms affirmed their adherence to the original system which parliament has branded with a just character of treason.

He then opened his argument in support of the bill; and began it, by assuring the House, upon his honour, that he offered himself to their attention, rather to mark openly what he thought and felt upon the subject without reserve and without fear, than with a hope to impress it upon the conviction of others. After the effect produced on the public mind, by a learned friend of his (Mr. Grant) upon a former stage of the debates (in the most commanding powers of intellect that ever enlightened a political subject), he should have been silent if he had not felt an impulse to the vindication of his own sentiments, in language, at least, as unequivocal as words could frame, at the most awful crisis that ever the country knew. It was the exigency of the times, and a despair of meeting it with effect as the law now stood, or without such a bill, that made our safety and our freedom as a people demand imperiously this measure. That it was a new check upon the right of popular discussions, and even upon the right of petitioning (by its effect upon the continuauce of the assembly, held for that ostensible purpose), he would readily admit, not being a sycophant in praise of the measure, but an honest, impartial, and reasoning friend. Having gone thus far in concessions, which it would be neither manly nor ingenious to withhold, he would proudly devote himself to popular odium, if that must be the fate of his ardent wish for the passage of this bill into a law. He considered it as a bill of allegiance, framed in the generous and loyal spirit of that oath, which he and those around him took upon their admission to the representative character and functions; an oath, which

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binds them "to defend his majesty against all traitorous conspiracies or attempts," and promises our "disclosure of them to him."

Before he touched upon the outrage which had endangered the king's life, he would remind the House, and would inform the people, who the king of this country is, or (as perhaps in parliament he should express it) what he is. He is no "despot;" as libellers have basely called him; but the king of men who are free—entrusted with duties inseparable from the public interest—amenable to control, direct or collateral, in all branches of his executive or legislative power—subject even to censure through his ministers and (which he would never dissemble as long as he had political existence himself) stripped of all claim to allegiance, if he should cancel the bond by converting his will into law. Upon such a king's person violence had been committed, which, endangering his life, the law (jealous of a deposit and palladium essential to liberty, as well as government) has made high treason, and has punished as if his death had been directly the object, and had even been accomplished. This outrage had been treated in so manly a way by an hon. gentleman opposite (Mr. Grey), that he was in hopes no man living, who had ever dreamt of our law, and loved our king, would have disputed it. The hon. gentleman had said, that even if that miscreant had acted without concert, and without intention, pointed in his thoughts at the king's life, he was yet guilty of "compassing and imagining the death," because he has committed an act of criminal outrage, which evidently endangers the life. But if the right hon. gentleman who sits near him is correct (Mr. Fox), it is no high treason; though he admits, almost in the same breath, by the tenor of his argument, that it is. He admits that if a jury should find this fact alone, their finding would be a verdict of guilt, and the guilt would be that of high treason. In other words he admits, that such a fact is in legal inference, that crime: but he discriminates by an expedient, which an understanding so elevated would have disdained in others. He puts the case—that a jury, having pronounced the fact should qualify it themselves in a kind of special verdict, and say, "but we don't believe that he had the intention to kill." This finding, it seems, would be an acquittal. Even to repeat such an argument amongst lawyers, legislators, or even historians, at this time of day would give it a death's blow—"*Suo sibi gladio hunc jugulo*" To every judicial voice in the kingdom, he would make a direct and confident appeal against a tenet so ignorantly and so mischievously false.

To resume the outrage, it was an act of treason—but committed by whom? and when? By a ruffian, who was part of a multitude in open day, and who acted in concert with at least many others, each of the party reviling and menacing the sovereign. At the time of all others, most ungratefully selected, when the king as the father of his people, was in the act of preparing to animate the energies of the popular mind and will in their proudest form—that of a share in the legislative power. At a period very little prior to this, printed hand-bills had been circulated over the metropolis, prompting the very act of regicide. It had been truly said, that "no personal connexion was traced between the authors or publishers of these hand-bills, and those who committed the outrage of attempting the measure which they recommended." But was it better for the public, that instead of a conspiracy in two parts of the same concerted plan, we should have two detached conspiracies, and with no personal intercourse uniting them? the first recommending, and the second attempting, the sovereign's death? Let it be two parts of the same conspiracy! or two distinct conspiracies! united, however, as they must ever be, in coincidence of time, and connexion of principles.

He would now go farther back and recur to mischief that preceded the hand-bills. Call it here too, the same or a third conspiracy; and make your choice between those alternatives! What he meant so to describe had been stampt upon the records of parliament,—called high treason there, and called by its true name. It was a conspiracy, that having acquired new strength every day, had rooted itself,—not in the good sense of the popular mind, "God avert that calumny," (he said) "from them and me!" but in those who hate the people as much as the king, who have acted and continue to act with ability, zeal, and concert for the attainment of an object, which he could not better develope than by two words fatally well understood—words imported from the wretched city of Paris, with an English version, to the disgrace of our national

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character—the words "revolutionary government." In those two words, and in the sanguinary comment upon them which had struck horror into the world, he gave to enlightened men a picture which no eloquence of detail, if he could ever have commanded it, would make either more just in the potrait or more awful in the mischief.

But this, after all, is a "fanciful theory and a vision." An hon. gentleman over against him, whose dexterity as well as other talents (and most of all his wit), he had ever admired (Mr. Sheridan), blew it into the air by two pithy little words—"prove it!" His answer to those two words could not be so very short, but would, at least, be short enough to refute them in almost as few words as any thing like an argument was able to select. First, he would say, as a member of parliament, that upon the subject of remedial and prudential measures, he should ever protest against the formality of proofs in a legal or juridical sense of the term, as a mode of determining fact injurious to legislative policy in measures which like this, if necessary at all, were founded upon circumstances too well known to need proof, and whose exigency was of a kind that required all practical haste. He would next affirm, that in every view of that solemn phrase, which could affect a House of parliament with a general notice of the facts they have been proved. High treason has been recorded against a number of corresponding and affiliated societies by an act of legislature. It is not even denied, that such have been the hand-bills; and our own senses have told us what else we could not have believed, that such an outrage has in fact been committed upon the person of the king. But, in the same two little words, infinite fallacy was covered. It was true (and this was the fugitive cry of the moment), that no proof has been or could be adduced as the law now stood so as to punish the conspirators, or avert the continuance of their projects. Upon the despair of that proof stood the bill and stood upon a rock.—"Prove it!" "Yes, I will prove it, (said Mr. Hardinge), if you give to me this bill. The executive arm shall be my agent for the purpose of that proof; it shall punish or prevent, or shall take upon itself the mischief."

His learned friend (Mr. Grant) had well said, "What is your opinion of these doctrines, and of their practices? we have told ye ours." To this appeal we had received prevaricating answers, and the right hon. gentleman had gravely observed, like Scrub in the comedy, that "some of them said one thing, and some another." He called upon them to give their sentiments upon the mischief; to admit or to deny it as a fact; and if it should be admitted by themselves, to co-operate in the discussion of the best remedial policy, that could meet or prevent that mischief. He called upon them, in the name of the Commons and people of England, but feared that he should call upon them in vain. We are told, "the laws are able to correct and suppress the evil." If they are, I (said Mr. Hardinge) am an enemy to this bill, and amended as it is in essential parts, I would oppose it as innovating at least in form, or in its possible abuse, upon sacred and established rights. In other words, he undertook (and there he took upon himself the burthen of proof), to demonstrate the necessity arising from the impotence of all existing checks, or of any but those which the bill imposed. What the inadequacy of law, thus imputed, was, he would mark, to the conviction of those who heard him, in a very few words. First, there is no legal power to compel notice of the meeting, and an open allegation of the ostensible purpose. This defect of the law enabled sedition to convene itself abruptly, in pursuance of secret arrangement for that purpose amongst the confederates. Secondly, as the law now stands, no magistrate has the legal power of access to the interior of the meeting; to the fountain-head of the mischief in the oracles of sedition. He may now be excluded as an impertinent gossip, who obtruded himself as a mere spy, upon the liberty of popular discussions. Thirdly, the mask of the ostensible purpose could baffle, as the law now stood, any general suspicion or grounds of alarm: such a mask would no longer be of any avail: it would be torn off by the detected perversion of the colourable object. Fourthly, there is no legal power to disperse the meeting, if the language is inflammatory, but without external outrage or tumult. It was to mischiefs like these that a remedy was claimed, and if the remedy adopted in this bill was not commensurate, or strayed an inch too far, it was tyranny; and perhaps a worse mischief in itself.

He had listened attentively to arguments arising from two sources, both of them invidious, and yet both of them as

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manly as they were just, against a pending law of restraint upon the liberty of the subject. He would state them fairly, and watch the extent of them. "Let a meeting be duly convened—the magistrate with no pretence for suspicion, intrudes himself. This very intrusion is of itself a check upon freedom of debate. Let the meeting be assembled *bonâ fide* and singly to discuss the reform of parliament, or something of that nature: let the magistrate, paid by government (as in Westminster he is) act like a mercenary in the bad sense of the term; and in order to court the minister best (as he may imagine), let him intercept, by his imperial veto, a popular statement of the mischief; let him attempt the arrest of a debating individual; let an obstruction to that legal injustice be made by some around him; let the magistrate then disperse the meeting, and announce the penalty of death for disobedience to the mandate of dispersion; let him call in the military to his aid, if such a meeting cannot be dispersed by the civil power alone." Is not this, he would ask, invidious enough? and is not he, in thus putting it, an adversary against himself; or at least against the bill? He would, however, in general, protest against the calumny to which the magistrates who act in the metropolis, had been exposed, though he had stated an instance of gross and scandalous abuse in theory, and for the purpose of the argument. He would add no disingenuous colouring to soften the mischief, but yet would soften it by a fact; which is, that against that abuse there is a remedy at hand, in the control given to other magistrates over these delinquent justices of peace, viz. the judges of the land, who have their offices for life, and in the additional control of juries, who will avenge the insulted genius of the people, and convict the offender, whom the judges cannot spare. But now, in a balance of political evils, take the other alternative, and choose between them. Jacobin clubs disseminating through affiliated societies, openly and without fear of check, every mad principle that can degrade the head or pollute the heart! Let the good sense of the legislature, guarding the public interest, make the option between these alternatives!

Having gone thus far, he should very soon dismiss the licence of political schools or lectures, and the right of inspecting them, which had been called in two other French words (put into English) "domiciliary visits." Of all the inexplicable events in the political scene, perhaps none had ever more astonished him than to find such a want of memory on the other side of the House upon this topic. It was true, that every man's house was his castle, but was it also his theatre? and so as to exclude all interference of the executive power? These were political theatres, and made the vehicles of sedition. Was there no other description of theatres in England? And could the hon. gentleman over against him (Mr. Sheridan) give no account of them? Had he never heard of theatres for dramatic purposes? If he had, could he never have heard of an act which passed in the 10th of the late king? An act which disallows any theatre unlicensed, or play even in a licensed theatre, which has not the king's previous approbation through his chamberlain, who is no magistrate, and from whom there is no appeal? Is the cause of that restriction light in the analogy of its bearing upon this part of the bill? Sedition had found its way into that school of morality; upon that ground alone the restriction was built, not as here, for a limited period, but, for ever; not liable to any control over the "custodes ipsos," but the offspring of absolute, of personal, of individual discretion and will. The act passed the Commons with uncommon haste, and without one division. The Whigs and the Tories, the minister and the opposition, supporting it. Upon the several days which the legal stages of the bill had occupied, the House was not ill attended; upon many of them, divisions took place; the minister was then vehemently opposed, and was beginning to lose ground. In the House of Lords, it was opposed by the late earl of Chesterfield, in a very elegant, ingenious, and popular speech, which is in print.* The expressions are beautiful, and the images full of grace; but a more flimsy argument he never had seen. Lamenting, for the honour of the talents over against him, that he detected in their topics evident plagiarism from that work: every topic now used by them was anticipated there, and the conceit of prophetic sagacity was not spared. "It was tyranny over opinion.—It fettered political freedom, and the energies of an independent spirit—it

* For the Earl of Chesterfield's Speech on the Play-house Bill, see Vol. 10, p. 328.

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would be of no use,—it was a *dicatur*, that would necessarily end in the curse of an *imprimatur*, and would in that shape fall with redoubled weight,—it was the first hint: and the liberty of writing would soon follow the liberty of speech; the laws were adequate; the bill was unduly and suspiciously hurried through the House of Commons,—the best way to correct popular disaffection was, to deserve popular esteem, &c. &c." What has been the result? It has been innocent at least, and the mischief at which it aimed, that of seditious theatres under this dramatic veil, had been suppressed. If it was a tyranny in itself upon genius, wit, and freedom of thought, where has the hon. gentleman (Mr. Sheridan) lived, that *he* could suffer its continuance?—he that had an interest, as the *Congreve* and *Wycherly* of his time, (with a dash of the political reformer) to make such theatres free as air? And if theatres dramatic, in their general office, were checked upon account of this occasional abuse, by the permanent control of a chamberlain, what shall we say of a check only for a time upon Mr. Thelwall's political theatre, and by a magistrate sworn? Are such theatres less prone to abuse for purposes of sedition? Is the licence here under a magistrate's view less convenient, or less wanted at this time? a time in which not occasional, but universal abuse of general freedom has endangered the safety and existence of the realm? If there ever existed such a thing as an argument *à fortiori*, it was in all branches of the parallel decisive here, and he challenged all the abilities in battle array against him to answer it.

Mr. *M. Montagu* said, that since he had the honour of a seat in that House, no subject had occurred which required so calm and deliberate a discussion, and to which the circumstances of the times, the temper of individuals, and even accident itself, had so little contributed to afford such a disposition. To narrow the ancient right of petitioning, by any incroachment on its free exercise in the utmost latitude, was to touch one of the main pillars of the constitution. This was a truth which could not be denied. It followed of course, that the only justification for even the slightest interference must rest on an imperious necessity, and that the right of that interference could be only commensurate with the danger to be prevented. This principle was not more true in the abstract, than in wise practice and sound discretion. For to administer with justice and caution, the duty at present incumbent on parliament, was the sure method to make its expedients effectual, and to give vigour to the law we were called upon to enact. Did there exist any necessity for the interference of parliament on the present occasion? Had it a right, arising out of that necessity, to circumscribe the liberty of the people to meet for the purpose, or under the pretence, of petitioning to any branch of the legislature? How far did that necessity, and the right derived from it, extend? These were the first questions for honest and independent men to decide.—The best criterion of the necessity arose from the consideration of the consequences which might follow from abstaining to interfere. And here he wished to pause, and leave it in some degree to the minds of gentlemen to supply this part of the argument; because it was impossible for any lover of genuine liberty to have failed to gain from recent experience, if not before from history, observation and reflection, a sufficient fund of ideas to convince him, that some strength was necessary in the hands of executive government, to repress the destructive machinations of some persons in this kingdom.—But it was said, were not the laws in being sufficient to empower the executive to repress these disorders? Upon this part of the argument the opposers of this bill derive a great advantage, from an imputed remissness on the part of government to employ all the weapons already in their hands; and, perhaps, from an unskilful use of those which they have employed. Upon this head, he confessed himself to be of opinion, that blame would possibly attach to them. Still he believed that the existing laws required to be reinforced, and particularly to be declared and notified by some fresh act, which should instruct the ignorance, and rouse the activity of the peace officers. The same argument of the sufficiency of the laws might have been urged with equal truth in 1780, when London was in flames; because few understood, many doubted, and none dared act on the established provisions. Upon this ground, he was for a new act, which he confessed he should approve the nearer it approached to a declaratory act. But the rise of new species of tumult, required new provisions, and we ought at least to be sure that we rendered the measure effectual.

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Mr. *Sheridan* said, that the direct allusions which had been made to him, would prevent any surprise at his anxiety to come forward. It had been remarked, that during the late momentous period, the magistrates had been extremely supine, and had not been active to exert their authority in suppressing the meetings, and resisting the principles, from which so much of the danger was thought to arise. If any evils, however, had arisen from their neglect, he would ask how the present bill was calculated to secure their activity? Instead of prompting them to greater vigilance, it threw impediments in the way of their exertion. They were placed in an odious situation, when they could not execute their trust, without incurring the detestation of their fellow subjects. Men of virtue and talents would avoid a station which they could not fill with credit or respect. He had been accused of casting reflections upon the magistrates in this country, although he had never uttered a sentiment in general disparagement of that class of men. He had limited his charge to the justices of Westminster, who were appointed, paid, and controlled by the executive government. He was pleased, that the learned gentleman had placed the argument upon that footing, on which alone the subject ought to be considered, namely, what the necessity was that required the interference of the legislature; and whether the present measure, or any part of it, was adapted to meet the exigency of the case such as it might be. In the applauses which had been given to the speech of a learned gentleman (Mr. Grant) on a former occasion, he heartily agreed, as it was a performance conspicuous for ingenuity of reasoning, and the appropriate character of its language. Without detracting from its merit, however, he could not but observe, that the main points involved in the discussion had been omitted: he had neglected to establish the existence of the evil, and to demonstrate the fitness of the remedy. The learned gentleman had objected to him, that he called for the proof of the disorders to which the application was to be made, and had summed up all his argument in the two words, "prove it." The learned gentleman seemed studious of brevity, and had divested these words of all the observations with which they had been connected. He wondered, at the same time, how the learned gentleman found fault with this imputed brevity, since he seemed disposed to adopt the same mode of illustration. The learned gentleman had likewise thought proper to assume the task of stating the argument against his own side. In this he had succeeded to admiration; in the course of his speech, he seemed all along to argue against the part he really meant to espouse. This, indeed, was not an uncommon case with the learned gentleman, nor with the profession to which he belonged, to speak on both sides the question. How he had discharged the duty to his client he would not decide, but he would by no means advise the meetings complained of to put their brief into his hands.—The learned gentleman had called upon his side of the House to say whether Jacobin principles had not increased of late; and then objected that the proof of it was demanded. To this he would again say, "prove it." It was not, however, juridical proof that he looked for: but that kind of proof that ministers themselves had brought forward previous to the passing of the act for the suspension of the Habeas Corpus. That measure, however, was not near so strong as the present. It was, therefore, not extraordinary that he required, on a greater occasion, what they had voluntarily brought forward on a less. Was it wonderful that now he should demand a similar proof? Formerly, the House had been deceived by the assertions of the minister; and he was on his guard against a fresh imposture. None of the plots which had been announced in such alarming descriptions, the plots to seize the tower, and the various other conspiracies, had existed. The verdict of impartial juries had decided that ministers had stated to the House, what the event did not justify. Where was, likewise, the plot which had been fabricated at a very particular period, during the sitting of the grand jury, upon which various persons had been apprehended, and harshly and unjustly confined for many months, without the shadow of proof or reality for the accusation. Being thus three times deceived, does the learned gentleman trust again to the assertions of administration?—He was ready to declare, that he did not think the principles complained of were increased. And on which side did the presumption lie? There was a most important difficulty to be surmounted before the gentlemen on the other side could maintain their argument with con-

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sistency. If they knew the increased and increasing danger of seditious doctrines and assemblies, why did the speech from the throne bear the language it contained? If ministers were acquainted with the evils they now magnified and insisted upon, in what light was the declaration of the king, of the loyalty and good order of the country, to be considered? Or how were they entitled to argue on the ground they assumed at the opening of the session of the advantage which in this respect the war had produced? Mr. Sheridan said, he believed these principles and this danger to be diminished. As a proof of it, he would appeal to the attorney-general. When the Habeas Corpus act was suspended, numerous prosecutions were going on, and the gaols every where were filled with this species of criminals. Were any such heard of now? It was said, that the different societies still professed their former objects, and held their former language. He would nevertheless affirm, that their professions and conduct had been materially altered. Formerly they had said, that that House was too corrupt to be honoured with petitions, and that reformation was only to be effected by the persevering exertions of the people. They had since found that such pretensions were little fitted to procure converts, and had retracted them in form. They had disavowed their former claims and their former language. The bad success with which their schemes had been attended, while they maintained these extravagant objects, was a proof of the general attachment of the country to the constitution. Whether they were sincere in their late professions it was impossible for any man to decide. The learned gentleman had said, that they had a right to hear what were the sentiments of the side of the House on which he (Mr. Sheridan) sat, upon this subject. He asserted that they had acted jesuitically, and had declined any explicit declaration. On the contrary, he would maintain that they had acted with uniform fairness and consistency. He had never, for his own part, scrupled to affirm, that there might be some pains taken to circulate sedition through the country, for desperate individuals there were in every state. The practice of imitating the cant of the French, and all the mummery attending their proceedings, were certainly highly ridiculous. What, however, had been the consequences of this? It had shown that they were as ignorant of the temper and dispositions of Englishmen, as ministers were in the regulations which they meant to impose upon them. Might they not, in good earnest, have relinquished the extravagant, and tempered the wild ideas which they were in use to entertain? The hon. gentleman opposite (Mr. Pitt) had been the strenuous advocate of parliamentary reform, though he had not gone the length proposed by the duke of Richmond. He did not believe that any one considered him as a better man than when he maintained those principles. The duke of Richmond, he was informed, had been heard to say, that he was convinced of the folly of the plans of reform that he had prosecuted. But were those gentlemen to monopolise the privilege of abandoning their professions and their principles? Ought not the same candour to be extended to the societies, and might not they be allowed to change their conduct? Even the example of France might have contributed to withdraw them from their attachment to the principles which had been introduced into that country with so little success. He believed, on the whole, that the mischief was beyond calculation less.—The learned gentleman had insisted on the advantage that would arise from notice being given of meetings when they were held. Would any man for a moment contend, that the meetings of the Corresponding and other societies were clandestine? They had often been charged with an opposite conduct, and the boldness of their proceedings, had been urged as an aggravation of their guilt. He considered the first clause to amount to a prohibition of all public discussion. The notice was to be given by seven persons, resident householders, in the place where the meeting was required, in the newspaper usually circulated there. No meeting could take place of persons not householders. Journeymen tradesmen might have occasion to assemble to complain of a grievance, or lodgers to take measures against the exorbitance of rents, without being exposed to the severity of the law. Would the editor of a country newspaper, he desired to ask, always insert the notice which was necessary to constitute a legal meeting? He was to judge whether the persons signing it were householders, and whether he would be satisfied with their responsibility. He might say that

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he had not leisure for these inquiries, and might refuse to insert it. Instances had already appeared how partial the conduct of such men might be. Country newspapers were greatly under the influence of the crown. They might, even with the danger hanging over them by this bill, be justified in their refusal. The other alternative of applying to the clerk of the peace, five days before the meeting was to be held, might likewise be frustrated; and no legal means remain to constitute a meeting under the operation of the statute. It was a mockery to give to the people the privilege of holding a meeting, and to affix to that privilege such conditions as did not at all depend on their own will and choice. Why had not the old modes of giving notice been adopted, by means of the common cryer, or by an intimation at the church door? In fact no meeting could hereafter take place; all discussion would be annihilated. Notwithstanding the modification which had been attempted upon the bill, magistrates might still come and disperse a meeting which had entered upon discussions which they might disapprove. Any thing which, in their opinion tended to create dislike; any deliberation on the subject of parliamentary reform, or of existing grievances, would instantly authorize him to interpose. Nor could any responsibility attach to his conduct, where he acted in this manner. Even should they get the length of debating a question, must it be regarded as nothing to speak under the watchful ear of an attending justice? Where, it was said, was the harm of the magistrate being thus authorized? He was entitled to seize the person who was "wilfully and advisedly" exciting the people to the dislike of government. Be it remembered, however that as it was impossible for the magistrate to decide what words came under this description, he could only exercise his own judgment; consequently, however legally constituted a meeting might be, it depended upon the caprice of the magistrate whether any deliberation should take place. Nobody of character would accept the charge which this bill required to be performed. The lowest magistrate a petty constable might put a stop to an assembly, as soon as any words were uttered which he considered to be obnoxious.—He reprobated the hardship of seizing a person in the arbitrary manner prescribed by the bill. The riot act had been intended for a different object from the present bill. The former was intended to enable the magistrate to act to prevent violence about to be committed, and where by a tardiness of the application, the remedy would have come too late. Nothing of this nature, however, was called for by the present case, nor could there be any parallel between the circumstances. Resistance to the magistrate was felony, and if twelve men peaceably remained, military execution was to take place. The riot act was only to be enforced when the persons assembled acted riotously and tumultuously. It was also to be recollected that the riot act was introduced upon the eve of a rebellion, when the constitution was assailed; not by popular meetings and political debates, but by a great part of the inhabitants of the country, supported by men of the first fortune and influence. Compare that measure with the present, and how feeble must it appear! Yet Blackstone questions whether the remaining part of the act, after the necessity which had occasioned it had ceased, was not inconsistent with the spirit of the constitution. Suppose, however, which was no improbable case, that the persons desirous to assemble could not procure the insertion of their notice in a newspaper, nor their intentions notified to the justices in sufficient time, what was to be done, in order to effect the purpose for which they meant to assemble? Resistance, should they meet, would be useless. He would recommend to them to exercise only passive resistance. Should they, to the number of fifty and upwards, meet, and send for a magistrate, and remain above the number of twelve above one hour after being ordered to disperse, what course would the magistrate follow? Would he inflict military execution, or commit to gaol the supposed culprits? If so, would a jury find them guilty under the present bill? could they be punished in thus throwing themselves on the conscience of their country? Of what avail, then, was the law which could not be put in execution? He disclaimed intending any thing personal to the magistrates for Westminster, he could not, however, but say, he thought all the magistrates in the kingdom must be assimilated to the Westminster justices, in dependence on the crown, and tutored in the new doctrine of lopping off the branches of the Lords and Commons, before they would be brought to contribute their exertions to realize so sanguinary a system.—The learned gentleman

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had argued most elaborately on the situation of the country if the bill was not passed. If you are to permit the existence of these societies, he exclaims, what are to be the consequences? He had then solved the question, by recurring in the usual high toned language, to the example of France. The learned gentleman had said, he had remarked, on a former occasion, the difference of character between the British and French nations. He must still maintain, Mr. Sheridan said, that scarce any argument could be formed upon premises so dissimilar. The operation of different governments roused and sublimated the characters of a people, animated every energy of human nature, elevated and enobled the temper, or extinguished the great affections, and degraded and distorted the human heart and the human intellect. He would not then, ascribe the horrors which had attended certain parts of the French revolution to the influence of Jacobin clubs. He was above the obloquy or misrepresentation which this opinion might produce, It was not the Jacobin clubs of Paris that had filled France with prisons, or deluged the country with blood. It was the infamous club of Pilnitz, the associated society of despots, that, in the unprovoked attack on the infant liberties of a people, had awakened terror, distrust and cruelty. The French trembled for their freedom, and they thought every moment that treachery was about to rob them of it. Nothing was so cowardly as fear and panic, nothing so humane as courage. When the French were under the influence of this terror, cruelty and oppression rose. To what other cause than this could the change be attributed? In the beginning of the revolution, a system, mild and lenient to a degree, perhaps of extravagant refinement, was embraced, but was quickly superseded by the fears which external danger and domestic distrust inspired. Terror was only to be allayed by spreading terror and suspicion by suspicion. The example of France, therefore, was altogether inapplicable, either in the particular circumstances or general character of the people, to the designs of any part of this country. The leading cause of the superior virtue, the superior glory, and superior happiness of this kingdom, was not the particular distribution of the parts of the constitution, but the possession of a general freedom of sentiment and of speech. It was not by solitary efforts that the national character had been elevated so high; all that was good and great had been effected by numerous meetings. Put the existing laws in execution against those who may not have changed their sentiments, and reconciled themselves to the constitution; let not, however, the great principle on which the vigour of the whole system depends be destroyed.—The bill was said to be improved, but it did not appear to him in that light, and he hoped the learned gentleman would not be offended if he again pronounced those obnoxious words "prove it." He said that his side of the House had already assigned the reason why they did not attend the committee on the bill. It was too incorrigible, too radically rotten, to be amended; its deformity was too hideous for the sight, its pollution too gross for the touch.—As to the outrage against his majesty, and the hand-bill inculcating the doctrine of king-killing, the only connexion which could be of any use to be proved was, to fix it upon the Corresponding Society. But no such connexion had been attempted; and it was much more probable that it issued from one of the government spies, who on every occasion displayed the utmost violence of sentiment to delude the unwary, and to bring discredit upon the pretensions of the whole body. The present alarming measures he believed were brought forward merely to screen ministers from the consequences of misconduct, from the odium of a war, the object of which was the subject of detestation, and the conduct of contempt. This as was said at its commencement, was the war of kings, and not for the interests of their subjects. In former contests there had generally been some view of national pride, or some acquisition of conquest, by which the people were reconciled to it. The present had none of these objects to sanction it, but stood exposed to the unmitigated detestation which the miseries it had produced must excite. From this circumstance ministers thought the outrage offered to his majesty furnished a pretence for adding security to the person of the king, when they were fighting so strenuously the battles of royalty. They wished to shelter themselves from the storm which was impending, and to erect the royal sceptre, as a conductor, to catch the lightning of popular wrath, which threatened to destroy them to draw it away from themselves, and to protect them from its dangers. One slight cir-

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cumstance he would not have thought deserving of notice, had it not been involved with so many observations personal to himself. The learned gentleman had asked, why he, who was so anxious to reform abuses, did not think of procuring an alteration of the law which required theatres to be licensed, especially as he had a personal interest in the alteration? With regard to the learned gentleman's observations upon that act of parliament, and the celebrated speech of lord Chesterfield, he totally differed. He considered the speech as one of the most brilliant compositions of that elegant nobleman. The act, however, was intended more to repress moral licentiousness than to prevent political entertainments in the play-house, where there was not much danger of men becoming popular. He mentioned the following instance in which he himself was concerned, to show that the power which the lord chamberlain possessed, might, notwithstanding what the learned gentleman had said, be still abused. He once produced a piece called "the School for Scandal," in which he introduced the character of a jew who lived by supplying extravagant young men with money at exorbitant interest, and thereby bringing them to ruin. The night before the piece was to be performed, he was much surprised to hear from the prompter that a licence was refused. It happened that at that time there was a contest in the city between two gentlemen, Mr. Wilkes and Mr. Hopkins. In the warmth of a contested election a story went about that the character of the jew was meant for Mr. Hopkins and the piece was represented as a factious and seditious opposition to a court-candidate. He, however, went to lord Hertford, and explained the circumstance of the scene to be a matter of general satire, and not of personal obloquy or ridicule; lord Hertford laughed at the affair and gave the licence. The regulation, however, was merely confined to the theatres of Covent-garden and Drury-lane; because, by an easy fiction, the performers were considered as his majesty's servants, and to act only such pieces as should be agreeable to him. The act extended to no other theatres in the kingdom. He concluded with solemnly declaring that if this bill passed into a law, the doom of British liberty was pronounced, and that in all probability it would lead to such scenes of misery and horror, as no friend to the happiness of his country could contemplate or outlive.

Mr. *Powys* said, that the only question to be considered was, whether the bill was adequate to the exigency of the occasion? The House had already decided on the principle of the bill. It was a distinguishing feature of the British constitution that it was capable of relaxation or contraction, as circumstances required. The monster to be contended with was such as no age had produced, and for the destruction of which no precedent could dictate rules of conduct. It was a monster which, if once allowed to taste the blood of the constitution, would devour its vitals. Those political meetings so much alluded to, were not, he thought, of so harmless a nature as had been represented. If once the principles of these societies prevailed there was an end to all which our ancestors had held sacred. What infatuation, then, had gone forth! that, with the principles of these societies before their eyes, people should be so blinded as not to discern their interest in guarding against their machinations. Men of desperate fortunes and turbulent spirits might think it "Better to reign in hell, than serve in heaven." There might be those who wished to make a shipwreck for the sake of plunder. What, however, most surprised him was, that there should be others found, of a different description, who could lend their assistance in aid of such proceedings. If, amongst the apologists of such meetings, there should be men of extensive talents, of amiable manners in private life, of an ingenious mind, and commanding public esteem, the danger would be infinitely increased. He was afraid that the converse of that sentiment, "that the people had nothing to do with the laws, but to obey them," would be adopted, and that the people would be led to think that they had every thing to do with the laws but to obey them. He lamented that the industry of the working classes among the people had been checked through the progress of these societies, and arrested by an attention to matters of wild speculation. A "passive resistance" to the law was now recommended. For his own part, he could see no practical hardship imposed on the people by the measure. He thought the bill likely to be attended with much more benefit to the people than injury, though he owned that it was an infringement of a great and valuable privilege, which should not be attempted except in urgent cases, such as the present. Some

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said, where will you stop? To which he would answer, where the evil stops. They were told, "If an eye offend thee, pluck it out." He perceived a cancerous tumour in the body politic spreading corruption through the whole mass, if it was not cut off, it would grow. They should take care that no vital part should be affected; the wound would then heal, and the constitution recover its pristine health. It was surely wiser to submit to a gentle operation than hazard a mortification. The question was, whether the constitution would be better secured by the temporary restraints of this law, than it would be under the uncontrolled operations of those who would overturn all law and government established in the land.

Mr. *W. Smith* said, he felt an apprehension that, unless the effect of one clause could be done away, a very important branch of liberal education would be cut off in every seminary, except our two universities. If they referred to page 8 of the bill, they would see that every house in which lectures were given upon the laws, the constitution, or the policy of the government, upon the payment of money, was liable to the operation of this clause. [He was told, that on the report from the committee, this was done away.] The provision as it stood made no other change than this; it left it in the breast of certain magistrates to determine upon the fitness of such studies. This appeared to him to be a point which required explanation.

Mr. *Abbot** said, that as the House was called upon this night to express its final agreement or disagreement to the bill he should beg leave to state, in a very short compass, his reasons for the vote which he was about to give. In deliberating upon this and every other important measure of legislation—and all men will allow the importance of the present measure — there are two distinct grounds of consideration. The first, as to the law itself, with regard to its principle and form; the second, as to the circumstances attendant upon the projected law, as well with regard to the aspect of the times, as to the temper of the people for whose benefit the law is brought forward: and unless both these considerations lead us to the same conclusion, we ought always to break off from our work; the purpose of all legislation being, that of producing, not merely the best possible, but the best practicable laws for the public good. If, therefore, the theoretical advantage of any projected law is outweighed by the practical mischief of its application, such a law ought most undoubtedly to be laid aside: but if the law be in itself wise and salutary, and we see upon full contemplation of the dangers opposed to its execution, that they are unreal and unsubstantial; it then becomes our sacred and indispensable duty to persist in achieving the purpose which is beneficial, and to disregard all imaginary fears, whatever forms they may assume; anxious only the more, at such a time, to have our measures and our motives the more fully understood by the country, to be what they truly are; and convinced, that when they shall be suffered to be so understood, no circumstances of alarm or aversion will any longer exist, to check or counterbalance the beneficial effects of such measures in their operation.

As to the law at present in debate, looking at that alone in the first place, fairly and dispassionately; the principle of it is incontrovertibly good; the necessity of it is confessed; and the provisions, by which it is proposed to be enforced, as now amended, are substantially proper and unobjectionable. The principle is expressed in the very front and title of the bill; it is to prevent all such meetings and assemblies as are seditious: this no man will condemn. Then, as to the necessity of the times, and whether such a principle ought now to be carried into execution by a new law, let us look at the facts before us, and the necessity arising out of those facts, and meet that necessity by treading the parliamentary course of our ancestors. The facts expressed in the preamble of this bill, have been already assumed, in the judgment of a large majority of this House, to be notoriously true: and what is more, their existence seems also to be confessed even by the very gentlemen who affect to deny it; for in all those arguments, by which they daily labour to depreciate the dangers of the country, it cannot be supposed that they are labouring to calculate the value and amount of a non-entity: but more than this, in the present stage of our proceedings, the same facts are testified to us by the whole country at large; for all the various and numerous petitions

* In February 1802, Mr. Abbot was chosen Speaker of the House of Commons, and in June 1817 he was called up to the House of Peers by the title of Baron Colchester.

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from all parts admit the facts, although they draw from them very opposite conclusions. Let us, therefore, who draw from these materials one and the same conclusion, and who agree in the appearance of that necessity, proceed to combat it accordingly. Our ancestors enacted laws against the dangers of popular assemblies in their days, according to the guise and shape which those dangers then wore. The parliaments of Richard 2nd and of Henry 4th made vigorous laws to repress the violent meetings which in their age threatened to disturb the public peace. The parliament of Charles 2nd passed a statute against the like dangers, which then put on the form of tumultuous petitioning. The first parliament which received George 1st upon his throne, promulgated a law of stronger penalties than any of the preceding, in proportion as the general danger of popular assemblies grew more prevalent. Let us, therefore, after their examples, encounter the special dangers of our own times, which is nothing less than an adverse and hostile claim by such assemblies to subvert the whole constitution of these realms from its pinnacle to its foundations.

Such being the principle which we adopt, and such the necessity which we obey, let us next look to the provisions contained in the law before us. And although numerous in their detail, yet they are substantially contained in two plain and reasonable measures. As to all assemblies above fifty persons, for petitioning or debating on grievances or matters in church or state; if no lord lieutenant, no custos rotulorum, no sheriff, no grand jury, no head officer of the city, borough, or town to which they belong, will authorize their meeting; if they cannot prevail on any of these known constitutional magistrates of the country to convene them; then all that we require is, that they should notify themselves by advertisement: and in like manner we require that lectures delivered, or debates held, for money, as a political trade, should also become notified, by means of a licence: this notification to the magistracy, is the first measure: and the other measure is, that with regard to all such meetings so notified, the magistrate shall be enabled to prevent their becoming dangerous to the state, by interposing his authority. These are the fundamental measures which pervade the whole. And in such measures, how are the liberties of British subjects injured? Is it an injury to any man to require that he shall speak out his political opinions in the face of day? Is it an injury to any man to require that the legality of his actions shall be judged of by the magistrate? And if this discretionary power is complained of, I would only ask, whether the laws of all countries, as well as our own, do not invest the magistrates with discretionary powers? Does not every justice of peace in this country receive, at the same time with his commission, numberless volumes of discretionary powers, all of which he is bound to execute? But it is the characteristic blessing of our constitution, that our safety, even under this discretionary power, is at the same time most entirely complete, by the constitutional redress placed in the hands of each subject; who may, as we have in our own times seen it instanced, render every order of magistracy, from the secretary of state to the constable, criminally responsible in his person, for the wilful abuse of power; and civily responsible in damages, for an excess of his authority, even if that excess be merely erroneous. This is not a chimerical, but a practical safeguard; and by which any individual amongst us may have the judgment of his impannelled countrymen, to-day or to-morrow, against any other individual, whatever be his rank or power, by whose ignorance or caprice any one of us may imagine himself to be aggrieved.

The duration of this law is the only other provision of it which remains for our attention. And were this a declaratory law, or enacted against any permanent evil, as that in the bill sent to us from the Lords, I quite agree with a right hon. gentleman in his comment upon that bill, which he opposed so earnestly, that such laws should be perpetual; because they are expedient and true for ever, or not at all: but this being professed as a remedy for a mischief which is novel in its species, and temporary, as we hope, in its continuance, the duration which we are to give it should be such as may be at least commensurate with the existence of its object, and no longer: and such is the very limitation here adopted.

This closes our consideration upon the law itself. But there remains the other half of our work, which I stated at the outset; namely, the consideration of all those accompanying circumstances, which loudly demand our attention, and which

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insist upon a right to suspend, and even to supersede, whatever might be our primary determination. Of these circumstances the foremost is, the multitude of petitions, which, flowing in from all quarters of the kingdom, have daily filled the House during our deliberations upon this business. Ought we to have advanced forward, in defiance and disregard of such earnest remonstrances? Most assuredly not. We ought to do, what I trust we have done, weigh the merits of all these petitions against the bill, and also of those in favour of it; and to those gentlemen who have so done, the result will appear to be nearly this:

As to number; that now, after three weeks have elapsed since the printing of the bill, out of the 82 counties in Great Britain, eight only have petitioned at all; four of them, namely, Buckinghamshire, Suffolk, Rutlandshire, and Huntingdonshire, have petitioned for the bill; two only, Middlesex and Northumberland, against it; the other two, Surrey and Hampshire, have sent us petitions and counter-petitions. Almost all the great cities and towns which have spoke out, are divided in opinion; such are London, Westminster, Southwark, Edinburgh, Glasgow, Liverpool, Manchester, and both the Newcastles; the remainder of the contending lists, is swelled with names of places, however respectable, yet of inferior note; and such as whichever way their number preponderates, cannot be conceived to express the universal, or even the general, sense of the nation. These, with a very few petitions from particular trades, compose the whole catalogue.

Their quality, however, is more important than their number; and upon this inquiry, the misrepresentation from which many have sprung, and the misconception which produced others, are apparent from their very contents. Peace is the prayer also of others; which, however desirable an object in itself, certainly stands in no way connected with this discussion: but the very mention of it inserted here manifestly shows, that provided signatures enow could be had, the particular object of the petitions was not thought to be so very material. There is one assertion however worth remarking, as it runs almost universally through all of them; and an assertion, which, of all others, is the least likely to be the result of a competent judgment; namely, that the present laws are already adequate to the evil. In other acts, it has been long received as a clear and wise maxim, that the division of labour is the road to perfection: but political science and legal jurisprudence, the most complex of all knowledge, and the most arduous of all acquirements, seem to be now considered by all classes of men as requiring no distinct or appropriate labour, and as being rather the unsown produce, and the natural and spontaneous growth of uncultivated intellect, or as descending equally upon all men by inspiration; and many, who probably never saw our voluminous Statute book, boldly pronounce their judgment in this instance upon its various contents and their efficacy.

What impressions, then, are we to receive from these petitions; and what conduct are we to hold? We are to receive and hear them all, collectively and individually, with the sincerest respect and deference: and although we should not find in them any objections, sufficiently forcible to impede our progress; yet we are called upon to admire the spirit and jealousy which our countrymen have so laudably and honourably displayed, when they saw us, even for the preservation and protection of their liberties, lay our hands upon the ark in which those liberties are enshrined: and we were also called upon by those petitions, to enter with redoubled vigilance upon the labours of that committee, in which by course of parliament, these measures were to be still more fully discussed, amended, and effectuated. At length the committee did enter upon its labours. Out of the transactions of that committee, have any new circumstances arisen which should lessen our original disposition in favour of this bill? Some very new circumstances did indeed appear there. The first of which, were, the many important amendments introduced into the bill at that period. Passages were then struck out of it, which had they remained, I, for one, should have voted against the bill most decidedly in every subsequent stage of it. Other passages were also inserted, which rendered the beneficial clauses more operative. And if all was not done that might have been done, let those answer for it who deserted that committee.

But one circumstance above all others struck us all in that committee; and the more so, as it was expressly concerted for the purpose of shaking our resolutions.

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We saw at once, a secession of all the distinguished talents and characters which dignify the opposite side of the House; who then refused to the House, and to the nation at large, the benefit of their services, in meliorating the law which they professed to think tyrannically severe, and which nevertheless they were willing should be left so to bind their constituents. We cannot forget, that upon this occasion one hon. gentleman, however, could not prevail upon himself to leave the House, until he had given us the alarming consolation and prospect of a permanent sitting at Copenhagen-house, contemporaneous, if not co-ordinate with our own session in parliament. Neither can we forget, that a right hon. gentleman, who styles himself peculiarly the servant of the people, and whose public services all ranks of men agree in describing as eminently meritorious and illustrious, professed that the motive for his dereliction of duty upon that committee was, because he thought the bill too bad to be amended; and yet, in the only instance where his violent aversion to the bill prompted him to point out a specific objection, that objection was instantly followed, and remedied by an amendment. Granting, however, that his motive was truly such as he avows, yet I believe the discovery has been reserved for himself, that "to despair of the state, is a political virtue." But if the people of England should conceive that the true motive for this secession was to promote a party manœuvre, and for the purpose of obtaining the remote contingency of a political triumph over a political rival, they will then demand at his hands an account of every particle of loss sustained, and every diminution of their rights incurred, by this voluntary abandonment of his post; and they will think that, by thus sacrificing their liberties, he has very little entitled himself to the national gratitude.

One word more, Sir, before I release the House from the trouble of hearing me any longer; for there yet remains one circumstance more; and it is the last ingredient in our deliberation; but it is of such moment, that I cannot hide it from my own sight; and it behoves the country to look to it stedfastly. A short, but momentous, question. *Will our law, if passed, be obeyed?* We all know, Sir, that as an extreme case, as a theoretical proposition, as an hypothetical speculation, and as the ultimate termination of all disquisitions or the forms of established government, we find stated, as one mode of their dissolution, *resistance:* and happily, Sir, since the era of our Revolution, this proposition has been deemed merely a speculative question in this country. Towards the end of the last Scottish parliament, the great leader of the patriotic party, Andrew Fletcher of Saltoun, a man of an ardent spirit, and who had himself borne arms in the cause of liberty, even at that crisis, when the severance of the two crowns was in view, stated to the Scottish parliament what to me has ever appeared the wisest maxim upon this perilous doctrine: "That it were to be wished, that all governments should think resistance lawful, and all subjects should think it unlawful." Even he, and at such a crisis, would not state a bolder proposition to the parliament of his country. But in our times, we have heard more; we have, even within these walls, heard that which heretofore was only theoretical now stated practically. One of the three honourable gentlemen, who in the course of these debates came forward with this language (Mr. Grey), did on the very night following qualify his first declarations, and explain his meaning to be still merely theoretical. And another of the hon. gentlemen (Mr. Sheridan), equally uncalled upon, has this night, produced also his commentary upon his former declarations; and has limited his advice to "passive resistance." Singular indeed in this article, for his coincidence with another distinguished public character (Mr. Horne Tooke), who had already recommended the same idea, and described it as "the resistance of the anvil to the hammer." But it must ever live in our memory, for the words sunk deep into our minds, that the right hon. gentleman whose words are still unexplained (Mr. Fox), did openly declare, "that if these laws should be ratified by the royal sceptre, and the people of England should afterwards ask of him, what they ought to do? he would tell them; "*It is no longer a question of duty, it is no longer a question of moral obligation; it is a question of mere prudence alone, whether you should obey or resist.*" To that declaration, Sir, we in a few hours had an echo at our doors; the London Corresponding Society published their manifesto; and all but laid it on your table."

Sir, I endure the painful task of repeating these words, only to ground a repre-

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sentation to that right hon. gentleman who so spoke: and I conjure him to speak out again, in terms not ambiguous, not oracular, but plainly and distinctly; "Whether now, if these laws, amended as they are, shall be passed, he will again repeat his signal to the inquiring people of England, and bid them unfurl the standard of rebellion? It is most highly important to the country that this question should be now answered. Not that I think we should be driven by any dread of its consequences, whatever they may be, from the discharge of our duty; but the prevention of those very consequences would, in the judgment of most men, render these bills still more necessary.

Mr. *Fox* said, he was called upon in a very polite and civil, but at the same time in a very unparliamentary manner in that House to account for his conduct. The hon. gentleman might have taken notice of the whole that he had said on a former night. He would then have afforded him an opportunity of restating his words, if they had been misconceived; upon all this he had no particular complaint to make; he should only say, that the practice of attacking a member of parliament for what he had said on former occasions, in that general manner, was wholly new in the course of parliamentary debates. That any individual member—for he made a difference between such a character and a member of his majesty's council—should be thus called to account, was very extraordinary, and what the hon. gentleman, when he had taken more pains to become acquainted with the usages of the House, whatever abilities he might display in the speech, and however politely he might conduct himself, would not frequently practise. Indeed, there was hardly any part of the speech of that hon. gentleman, which, in former times, would have been suffered to be delivered in that House. He wished to know whether it would be of advantage to the proceedings of that House, that the sentiments of every individual, and every part of his parliamentary conduct, should be the subjects of particular debates, unless part of that conduct was such as called for the particular cognizance of the House? He knew there was a species of artifice, of which he did not accuse the hon. gentleman, to call on individuals in advanced stages of debates upon a bill, to explain what they had formerly said, and this was done with a view of making it impossible to have a fair debate. This he had experienced more than once: he hoped, however, he possessed a temper that was not to be discomposed by such an artifice, and at the same time not to be damped by any species of catechism. The hon. gentleman had asked him questions, with regard not only to expressions which he had used on a former debate, but also with regard to his former conduct; and he seemed to think he had a right to know why he did not attend the committee on the present bill. He thought he had told that hon. gentleman and the House already his reason for his non-attendance. He would repeat it. It was because the principle of the bill was so detestable, so radically vicious, and so dangerous to the constitution of this country, that he believed it to be impossible to amend it to any good purpose. He did not wish to guild a pill which contained in its essence such a noxious medicine. He wished to speak plainly upon such a subject, and he scorned to defend himself by any species of garbled explanation. He believed that he was not singular, nor were those with whom he acted singular, in abstaining from the committee upon this bill. He would ask gentlemen who were so forward to put questions to him upon this occasion; nay, he would ask those who were the most forward to countenance the practice, but who did not choose to come forward themselves with such catechisms, whether they did or did not attend the committee on the India bill, which he had formerly brought forward in that House? Whether they had attempted in a committee to gain something in that bill for the East India company? It was well known they declined altogether to attend that committee. Why? They stated, that they conceived the principle of the bill to be so bad, that they would not endeavour to amend it in the committee. Let him ask the right hon. gentleman and the majority of that House who seemed to have forgotten the conduct of the minister and his adherents upon that occasion, whether they would not then have blamed him if he had asked them whether they did not think that their country would regard them as acting with partiality? But he never thought of censuring the right hon. gentleman for his conduct on that occasion, or of inquiring into the grounds of his secession. He put it to the candour of the House, if it was worthy of the character of gentlemen, or if they imagined that the country would

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really consider those as honest men, who attacked the same measure in one man, which they applauded in another, merely because he had the influence of the crown at his back, and because he had places and pensions and peerages to bestow? In his own opinion, such conduct reflected as little credit on their honesty as patriots, as on their understandings as men. He knew the hon. gentleman to whom he alluded to be versed in the proceedings of parliament; and with the knowledge which he possessed he certainly could not be ignorant that at one time there was a regulation that no one who disapproved of the principle should attend on the commitment of a bill. The rule, however, had not, of late, been rigidly observed; nor did he himself wish to observe it in every instance; there might, indeed, be cases in which he disapproved of the principle of a bill, and yet might be induced to attend the detail of it in a committee. But then it must be such a bill as would be capable of being modified, so as possibly to produce some good. With regard to the present measure, he was clearly of opinion, that no amendment whatever could make the bill safe, wise, just, or in any sense constitutional.

With respect to the other points, which the hon. gentleman had stated against him, and on which he had been so much catechised, although he disapproved of such a mode of debate altogether, as a personality, it did him no injury, because he never had expressed an opinion, in that House or out of it, which, if he had reason to alter, he was not ready to retract; or to which, if he still continued in the same opinion, he was not willing to adhere. The hon. gentleman had said, that he had explained away at one time, what he had said at another. He would ask that gentleman, whether this was a fair charge, whether it was correct in point of fact, whether it was candid in point of inference? That hon. gentleman had stated certain words of his, but had omitted to accompany those words with the reason which followed them. The hon. gentleman had charged him with stating a certain doctrine, to which he was still ready to adhere; the hon. gentleman, however, had omitted to accompany that doctrine with the application of it. He would ask that hon. gentleman, was it in reality to the doctrine, or the application of it, that he objected? He thought a just, a candid, or a wise man, would have endeavoured to understand the distinction between a doctrine in itself drily laid down, and the application of that doctrine. This applied to what he had formerly said, when he had stated what it was that would justify resistance on the part of the people of this country. He never said any thing upon that topic, which he was not prepared to defend: and what he had asserted from principle, he would scorn to explain away from caution. He was ready, therefore, to repeat the doctrine he had stated to its full extent; and he would repeat, that neither Lords nor Commons nor King, no, nor the whole legislature together, were to be considered as possessing the power to enslave the people of this country; they might separately or unitedly do such acts as might justify resistance from the people. Was this doctrine false? Was it necessary to urge any argument to support its truth? It was a doctrine which he had learned from his early youth. He had been taught it, not only by Sydney and by Locke, but by sir George Savile and the late earl of Chatham. Had he any fear upon uttering this doctrine? Yes; one fear he confessed he had, and that was, lest some persons might imagine that he was too pusillanimous to maintain this doctrine without referring to authority to support it, and that he might be considered as a slave to authority. To avoid this, he would state, at once, that, if there was no authority to support it, he would maintain it by himself. He was not singular, however, in that opinion: for he believed that every man who really valued the principles of our constitution, entertained the same sentiment; and this had been eloquently expressed in a celebrated sermon recently preached by Dr. Watson, the present bishop of Landaff.*—

* "Mr. Fox, in debating the Sedition Bill, in December 1795, said, that the measures of the united branches of the legislature might be so bad, as to justify the people in resisting the government. This doctrine he had been taught not only by Sydney and Locke, but by sir George Savile and the late earl of Chatham, and if these authorities would not suffice, he would refer the House to a sermon preached by Dr. Watson, the present bishop of Llandaff, which, in his opinion, was replete with manly sense and accurate reasoning upon that delicate but important subject. I had always looked upon Mr. Fox to be one of the most constitutional reasoners, and one of the most argumentative orators, in either House of Parliament. I was, at the time this compliment was paid me, and am still, much

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Mr. Fox said, that he had no such idea of the omnipotence of the whole legislature of the country, as to suppose that it could not so conduct itself as to justify the resistance of the people. It was more necessary than ever to maintain this doctrine; since it had of late become the fashion in that House to refer to precedents in the slavish reign of the Stuarts. It seemed that some gentlemen were extremely fond of reviving doctrines that were popular in those abject times. Many men, of slender talents had been encouraged by the countenance which that eloquent man, and great genius, Mr. Burke, had lately been supposed to give them. He lamented that talents so brilliant should have been so employed; they had contributed, in a great degree, to render odious principles palatable. He trusted, however, that the spirit, the energy, the vigour of the English character, was not to be depressed; and that there would be always found in the country men bold enough to assert, aye and to maintain also, that King, Lords, and Commons, uniting to compose a legislature, might so conduct themselves as to justify resistance on the part of the people. Did any man say, or would any man maintain, that they were so omnipotent that nothing which they did could justify the resistance of the people? He believed there was not one, amongst the most base, contemptible, and servile of mankind, who was yet prepared to state, that the people could, in no case, be justified in resistance, even to the whole legislature.

He came next to the application of this doctrine, which, for some strange reason or other, those gentlemen who accused him, had totally omitted in the course of the late debates. In referring to that, the House would do him the justice to recollect, that when he spoke of resistance, he did not speak of actual resistance, or the propriety of it at the present time; he only stated it as an argument, to show that it might be just; and he observed, that it ought to be considered attentively by that House, when they were passing a bill, which if all its provisions were enforced, after the declared sense of the majority of the people was against it, might provoke that resistance. He was sure that the House would also do him the justice to recollect, that he urged it as an advice to the governors, not an incitement to the governed. Let gentlemen, then, not mistate his words, or the meaning of them, nor misrepresent them again. He was not, he said, surprised at the misrepresentation that had taken place; since the same thing had happened with regard to the words of his hon. friends upon the same subject, and particularly those of his hon. friend (Mr. Sheridan), who had been accused that night of having recommended passive resistance. In that case, he must declare, that his hon. friend had been very unfairly treated. He had not recommended resistance, either passive or active: he had more than once or twice, in discussing the subject of resistance, stated, that if there should be any persons determined to make resistance, the mode he should recommend them to adopt would be of a passive nature. That, however, as well as other expressions, had been taken without the qualifications by which they were accompanied, which marked too plainly the sort of candour that was shown to himself and his hon. friends. But, after inflicting the most cruel wounds upon the constitution, the only resource which was left them was, to cover their conduct by misrepresentation, and of this resource, he allowed, they availed themselves in its utmost latitude. He was not a correct measurer of words; but at the same time, when his meaning depended upon the precise expressions which he employed, he did not choose that his word should be misrepresented, or, what was the same thing partially given. The hon. gentleman had stated, that on a former evening he had shortly said, that if the present bill should pass into a law, resistance would no longer be a question of duty but of prudence. This he certainly said, but he would have it recollected that he said a good deal more. His expressions were, that *if the bill now before the House should pass into a law, contrary to the sense and opinion of a great majority of the nation, and if the law, after it was passed, should be executed according to the rigorous provisions of the act, then, in that case, resistance would not be a question of duty but of prudence.* These were the words which he had used, and from which he would not now depart. And if the general doctrine was admitted to be true, and if it was the opinion of the country, that the

gratified by it. The approbation of such men ever has been, and ever will be, dearer to me than the most dignified and lucrative places in the church." Anecdotes of the Life of Dr. Watson, written by himself, p. 60.

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bill was a direct invasion of the rights of the subject, and a daring attempt to subvert the constitution, the application of the doctrine could not be false. The nature and tendency of the bill was the point at issue between him and the hon. gentleman, and upon this point the House was now called upon to decide. He had laboured to prove that it not only struck at the out-works and bulwark of the constitution, but that it struck at the very vitals, and went to undermine the pillars upon which the fabric rested. This he had not only stated as an opinion, but he had argued it in different stages of the bill, and though he had not been so fortunate as to convince the House, it was neither arrogance nor presumption in him to affirm, that his arguments were completely satisfactory to himself, and that they never had been answered. And if the House consented to any bill, the real effect of which was to give a mortal stab to the constitution, he could not understand how any man could deny, that resistance on the part of the people involved only a question of prudence, and not of duty, if it was at all their province to guard it from danger, or to repel the assailant. The hon. gentleman, however, was not content with imputing to him the decision on the question of right, he also thought fit to make him decide upon the question of prudence, a question on which he had left the people entirely to determine for themselves. In talking of resistance, however, he must again observe, that he could not recommend it; for prudence, in his opinion, dictated quietness to mankind under many severe oppressions. There was a maxim from a celebrated character of antiquity, of which he was fonder at this time than when the ardour of youth had greater influence on his passions. The more he thought, the more he was convinced of the philosophy of the maxim, "Iniquissimam pacem justissimo bello antefero." That appeared to him to be one of the wisest sayings of that wise man, and it expressed his opinion upon the point of prudence in these cases. He must also add, that if the people of this country, who felt that they were called by Providence into a free state should revolt at such a measure as the present bill, he should not wonder at it. If they saw a conspiracy against that liberty which made them happy, a conspiracy proved, as it was by the bill—for the bill repealed the bill of rights, and reduced Englishmen to the character of slaves—he should not wonder if they resented it. If, therefore, regardless of the maxim which he had just quoted, the people of England should be so unwise as to commit acts of resistance, ministers might condemn them, parliament might condemn them, the law might condemn them, prudence might condemn them, but he believed no good man could ever accuse them of moral guilt.

The hon. gentleman had been pleased to accuse him roundly for sentiments which he had uttered on a former night, and which he now repeated. He would ask that hon. gentleman, if he approved of the names of Sydney and Russell? Were they dear to that hon. gentleman? "Dear to me they are (said Mr. Fox); dear is their very name; dear to this country are the descendants of the illustrious Russell. I see the spirit of that great man at this day animating his descendant; I see a man of high rank, splendid talents, and patriotic spirit, emulating the virtues of his ancestor: I admire his principles, they adorn his character, and will I hope be rewarded with glory. I say he emulates the virtuous principles of his ancestor. Perhaps, some people in this country wish he may share his fate. I, assuredly, have no such wish; but I have hopes, when I see the descendant of the illustrious Russell possessing the spirit, the patriotism, the fortitude, and the perseverance of his ancestor, that he will be rewarded in like manner by the affections of an admiring people. Why do we admire the great characters of Russell and Sydney? Is it because they were unjustly condemned? Certainly they were unjustly condemned, for they were condemned illegally on defective evidence, and against law. But although they were thus condemned, is there a man this day who had read their history, and does not believe they had in contemplation a resistance to the prince then upon the throne? Why do we admire them then? The simple injustice of their execution could have reflected disgrace only upon their accusers, and their judges. No; it is because we know they had that resistance in contemplation: that they were determined to resist principles which then prevailed; principles which were odious to the people of this country, much too nearly resembling some modern doctrines among ourselves: they found the law insufficient, and they endeavoured to

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bring about a revolution favourable to the liberties aud rights of Englishmen; and if this be the cause at present, the question is still nothing but a question of the application of the same principle. These are the reasons why we admire the characters of these great men, and admired they will be while a spark of liberty animates the bosom of an Englishman." These, Mr. Fox said, were his sentiments; and he would maintain them to the hour of his death. If others, who heard him, did not approve of them, let them use what arts they pleased to blacken him in the opinion of his countrymen; he would still persevere; for he knew he had pronounced principles independent of which his present majesty never could have been placed upon the throne of these kingdoms.

He wished it again to be understood, that he did not mean to shelter himself under the authority of names: he spoke for himself; but he could not here help referring to the venerable earl of Chatham's speech on the American war. That great statesman had said, "that he rejoiced the Americans had resisted." A noble sentiment! and although he differed on other points from that illustrious man, he would say, that in that event he rejoiced also; for considering the point which was then at issue between America and this country, he had rather that America should be independent of Great Britain, than that by the meanness of her servitude, she should have infected this country by the baseness of her own slavery. Upon that occasion lord Chatham had said, in his own peculiarly emphatic strain, "rather than slavery should be established, let discord reign for ever," and "old as he was, he wished to see the question tried between government and the people." The phrase was, perhaps, a little harsh, but the principle was excellent. He was sure he had heard similar sentiments from the late sir George Savile. But after all, he would beg leave to say, that, of all the attacks to which he knew he was exposed, there was but one he feared: that of incurring the charge of pusillanimity. He must therefore again say, that from the course of his education, from the disposition of his mind, and from the principles he had uniformly maintained, in that House and out of it, he should be a fool if he did not believe these principles to be true, and a coward if he did not profess them.

He then adverted to another article of charge, which had been brought against him; namely, withdrawing from the committee on the bill. The motive which had been ascribed to this proceeding was very extraordinary indeed. For how the hon. gentleman could make out, that he had obtained a triumph over his rival by withdrawing from the committee, he could not conceive. Had he attended, and persuaded the House to alter some of the most obnoxious clauses, then with some justice, perhaps, he might have got the credit of a triumph; but it was the first time that he had ever heard to absent one's self from a debate was the way to obtain a victory. But when he attributed his conduct on that occasion partly to another motive, which was, that the bill might go into the country with all its faults upon its head, the supposition was not so incorrect, and, as far as it imputed a crime, he would plead guilty to the charge. He confessed that he wished the bill to go abroad in its native deformity, as it was impossible for any amendment to render it worthy of retaining a place in the statute books of the kingdom.

On the different clauses of the bill he would not enter much at large, after the eloquent and irresistible speech which had been delivered by his hon. friend, no argument of which had even been touched. There was only one or two points on which he wished to make a few remarks. It had been contended by a learned gentleman (Mr. Hardinge), that not only meetings which were really dangerous ought to be stopt, but that all meetings whatever, whether the debates were inflammatory or argumentative, ought to come within the operation of the bill. The learned gentleman saw that it was impossible accurately to draw the limits between one speech that was merely argumentative, and another which might contain some appeals to the passions, and therefore he wisely confounded all those trifling distinctions, and brought both within the reach of the law. For instance, were he in a public meeting to state coolly and dispassionately, the inadequacy of our representation, and the disproportionate influence of Old Sarum to some large and populous towns, in choosing their representatives, he might be taken up for sedition, a justice or magistrate might dissolve the meeting, and, on their refusing to disperse, he might call in the military to murder them. With respect to the

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conduct of magistrates, he had little to add to what had been said by his hon. friend. He had received a letter, however, that day, from a most respectable magistrate, who held that office much to his honour, and the benefit of the place in which he resided, in which he expressed his terror at these bills. Heretofore, men of different political principles had held the office of magistrates together, and, forgetting all private opinions on politics, had united in consulting the interests of the poor, and in forming plans for their relief; whereas, henceforward they would be forced to depart from their several capacities to decide controversies between Mr. Burke and Mr. Paine. In short, it would be almost impossible for two men, differing in their political sentiments, however honest, however expert, however useful in their office they might be, to be in the same magistracy. They were directed by this bill to check the progress of sedition in popular meetings. How was it likely they should for any length of time, agree upon the propriety of interfering their authority, unless they were all of one opinion?

In the course of the debates upon this subject, it had been taken for granted, that the preamble of the bill was a proof of the object of it. That was a curious way of taking a point for granted; it never could be taken as a thing that was true of course, and he did not believe it to be true in this instance. The preamble of the bill talked of seditious meetings. A learned gentleman had said, that as to the intention of these meetings, he had evaded the question. That learned gentleman had asked what these societies were? A pretty comprehensive phrase, "Corresponding and other societies!" He had said on a former occasion, that some of them meant one thing, and some another. The learned gentleman had said that was Scrub's answer. He really did not care whether it was Scrub's answer, or the answer of any other person; it appeared to him to be the only good answer which a man of common sense could make. Where there were a great number of men, there must of course be a variety of sentiments, and upon that he must refer to the observations already made by his hon. friend. The general principle of every society he took to be that which it professed. He knew it might be said that the language which was held forth on behalf of these societies was moderated in consequence of the course which parliament was then taking. It had been said that Thelwall had lately become more moderate, and that his moderation proceeded from terror of the strong measures now threatening to be adopted. He could not speak to the fact: but if it was as had been represented, he rather supposed that any improvement in moderation had been owing to the prosecutions being suspended by the attorney-general. For he was convinced that lenient measures would be more effectual than violent steps in subduing those who were disaffected to government. Mr. Fox denied that there was any ground for the calumnious allegations advanced against the meeting at Copenhagen-house. The meeting had assembled in a legal and constitutional manner for the legal and constitutional object of petitioning; but if there were a few individuals intent upon desperate designs, that was no reason for throwing out a general aspersion against the whole body. In great meetings he always conceived, too, that their ostensible object was their real object, because it was impossible to bring twenty or thirty thousand persons to practise dissimulation in unison. He would ask any gentleman to show him the probability of a person holding forth in a very large popular assembly, any doctrine that was not agreeable to the real feelings of the mass of that society? He would ask any gentleman to give him proof that the proceedings even at Copenhagen-house were in any degree seditious, and to shew him that the meeting there had any idea of recommending an attack upon his majesty? The petition presented to that House contained sentiments of a different nature. He would ask the attorney-general himself, if he knew of any proceedings of that place which called upon him to institute a prosecution? What they had done upon that subject could not have been blamed in the bad reign of Charles 2nd whose shameful example they were at this time so fond of servilely imitating. They had not gone beyond the limits which were then prescribed to those who wished to petition the king. He did not know that these proceedings opposed in the slightest degree the sentiments of those who censured Jeffreys and impeached North. He did not know that they had done any thing illegal: and he could not presume the proceedings were seditious, merely because it was so insinuated in the preamble of

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the present bill. He knew that to take any thing for granted, without evidence, was contrary even to the principles laid down in the slavish reign of Charles 2nd, and directly contrary to all the principles of our constitution. But gentlemen, when they talked of seditious meetings, adopted general terms—"these societies"—by which they converted them as it were, into a species of body corporate of sedition. Now instead of considering them as a body corporate, he considered them just as he did every other large body of men, as consisting of some good and some bad persons: and the mass of that body he considered to be good. Such he had considered, and had more than once stated to be, the body of the society of which Mr. Reeves was president. He knew indeed, that some of the publications of that gentleman, as also those of Mr. Arthur Young, were directly hostile to the best principles of our constitution, and that they had been circulated with a mischievous avidity; he was, nevertheless willing to allow that the mass of that society were what they professed to be, namely, friends to the constitution of this country, as consisting of King, Lords, and Commons. Precisely the same did he think of the London Corresponding Society. By the way there fell into his hands very lately a pamphlet which contained much admirable reasoning; it was stated in the form of a dialogue, supposed to have been supported by two opposite characters, the one a friend, and the other an enemy, to the London Corresponding Society. The enemy says, "I hate the society because it has for its object the destruction of all monarchy." The friend says, "Have you found any thing of that kind in their proceedings?" "No," says the other; "they are too cunning to profess that." "What," says the friend of the society "were the 30,000 men all cunning?" Now, Mr. Fox said, he fell very much in with this sort of reasoning, on behalf of the society, because he believed it was very difficult to collect together at any time, or at any place 30,000 men, all of them so cunning as to conceal their real object.

In proposing the question the other night to the promoters of the bill, as to their opinions upon the effect it was likely to have upon all societies, Mr. Fox declared he had not done so for the purpose of endeavouring to amend the bill, but merely to get, if he could at the opinion of its authors as to the probable extent of it. It had been contended that the sense of the people of this country was not averse to the passing of the bills. If they had eyes and ears, he could not conceive how they could ever maintain such a proposition, which the experience of every day demonstrated to be false. And if they had lost the use of their senses, it was not to be expected that he could make up the loss by any arguments which he could adduce. Peace was said to have been the charm which wrought upon the populace to make them sign petitions against the bills; but were not loyalty to the sovereign, and the support of the constitution as popular words as peace, and were they less frequently or less artfully used to procure signatures to petitions of a different nature? But, if gentlemen were willing to be deceived, in God's name let them be deceived. If they would shut their eyes, let them persist in their error. The opposers of the bills had also been accused of misrepresentation; but he would ask on whom the suspicion of misrepresentation was most likely to attach? The accusers would not admit a day's delay, in order to rectify these misrepresentations: whereas the accused wished for nothing so much as for a little delay, to compare their representations with the fact. With regard to what had been said upon the general opinion of the public upon this measure, he believed it to be, in the true sense of the phrase, as clearly against the general sense of the people of the country, and as entirely unpopular, as any measure that had ever been brought before parliament. That he was sure would be evident to every unprejudiced man in the kingdom. Upon looking at the petitions which had been presented, and stated to be in the nature of approbation of the bills, scarcely one would be found directly to approve of them. They prayed generally for such measures as the wisdom of parliament might adopt, and were founded chiefly on an idea on which there could scarcely be two opinions in the country, namely, that of congratulating his majesty on his fortunate escape from the late daring outrage upon his person.

With regard to the general topic, that the present were fit times for temporary restrictions upon popular rights, his opinion was directly the reverse. He thought that the people of the country were more enlightened at the present pe-

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rfod than ever they had been, and that they could be more safely trusted with liberty than the inhabitants of any other part of the habitable globe; because, the better they understood the principles of liberty, the better use would they make of them, and consequently the more and more might and ought they to be trusted with liberty. When gentlemen, therefore, asked him what measure he would adopt to prevent confusion, he would answer, "meet the evil; reform those who are adverse to your constitution by reforming its abuses; reform—I do not say upon what system, that may be discussed hereafter—but reform the representation of the people in this House: keep your word with the public: tell them they may safely confide in your promise: proceed immediately to the abolition of that infernal traffic, the slave trade; show them the constitution of this country in its perfection: show them that it is favourable to the principles of liberty, and then your enemies will be so few that you indeed may despise them." These, sir, are the points by which you will preserve the constitution of this country. I know that liberty is the greatest blessing that mankind can enjoy, and peace the next; but, from the experience I have had of the human character, and particularly of the people of England, persuaded I am that this bill will drive the people to this alternative; they will feel that peace and liberty cannot be enjoyed if the provisions of this bill be enforced. If the provisions of this bill be still obstinately endeavoured to be carried into effect, the attempt will disgrace our government. I know that some persons are of opinion, that, if this bill be not passed, government will be disgraced; and I believe that some of the promoters of it are of that opinion, and therefore wish to pass this bill; but that they do not intend to act upon it. I think that would be next to throwing out the bill. As for myself, said Mr. Fox, let gentlemen catechise me as much as they please; let them spread papers, stating me to be the enemy of my country; let them blacken me as much as they please; let them even be successful, if they can, in their endeavours to make me odious to my countrymen; still will I persist in doing my duty to the public, and never relinquish it but with my life. I am not vain enough to suppose that any efforts of mine have contributed much to the spirit and the energy which has been manifested in this country; I should be proud to think they had; I should be glad to learn that any efforts of mine had contributed to awaken my countrymen to a sense of the value of their own freedom. A great orator, whose chief defect has frequently been stated to be vanity, has said, "Nobile jusjurandum juravi, ne quid omitterem ut Respublica denique salva sit." That is far from being my opinion of myself: but ambitious I am to preserve the liberties of my country. I have therefore opposed these bills; and I trust the spirit of the country will resent them, especially as they are avowedly only a part of what is intended for them by those ministers, who have brought on the present distresses of the country.

Mr. Secretary *Dundas* said, that he should not enter at large into the topics with which the right hon. gentleman had commenced his speech; for as he had spoken under a considerable irritation of mind, it was not to be expected that the right hon. gentleman had fully considered all he said. He had complained of being catechised with respect to his views and principles, and had, with great dexterity, endeavoured to draw a line between his situation in that respect, and that of the minister. It was true, as far as it related to affairs of state and the conduct of public business, ministers were responsible; but in their individual capacity, they were not more liable to what was called catechizing than others. But if any member really was of opinion, that the right hon. gentleman and his friends had been guilty of a breach of their duty in not attending the committee on this bill, it was certainly in order for him to accuse them for that neglect. For his own part, he did not agree with those who regretted the absence of the gentlemen from the committee; for as they had uniformly declared their aversion to the bill, and their desire that it should go into the country in all its naked deformity, he was not hypocritical enough to say he lamented their absence. Another topic had been introduced, which, he believed, had contributed not a little to create that irritation which the right hon. gentleman confessed himself to labour under—he meant the doctrine of resistance which had been advanced on a former evening. Upon this point he certainly had no right to speak, not having been present when the words were spoken by the right hon. gentleman;

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he had, however, seen, what he was informed was a very correct report of them, and it was not extraordinary that they excited the surprise and indignation of the House. The gentlemen on the other side during the debates on this bill, had constantly introduced their doctrine of resistance; a doctrine which, he was sure, they would not find laid down at the time of the Revolution. When the revolution took place, the people were oppressed by the tyranny of the executive, and there was no question of their right to resist; but it was the resistance of the people, with the legislative branch of the constitution, contending against the executive. He would venture to assert, that in all that was said by our patriotic ancestors at the Revolution, nothing could be found to justify the language which had been held. The right hon. gentleman had put an extreme case, and had asked, whether if the King, Lords, and Commons, were united for the purpose of depriving the people of their liberties, the people would not have a right to resist? There could be no difficulty in answering that question in the affirmative; because, in that case, there would not, in fact, exist any government at all. But he wished to put one plain question to the good sense of the right hon. gentleman; which was, whether he really thought it consistent with policy, or even with humanity, to hold such language to the people? The expediency of resistance was not a point which the generality of mankind could safely consider. The acute judgment of the right hon. gentleman might have enabled him to arrange his system of conduct, if ever such a fatal event should happen; but when he had shot his poisoned arrows through the country; when he had instilled those dangerous sentiments, did he consider what would be the consequence? Every ignorant man would conceive he had a right to resist every thing which did not accord with his opinions, and the result might be shocking to humanity. Such language tended to bring all government into disgrace, or, at least, to render it precarious. He knew that the freedom of speech in that House gave every man a right of saying almost what he pleased; but every good and wise man would consider the effect of his counsels, before he scattered them among the people. —He had listened to an hon. gentleman (Mr. Sheridan) with the utmost curiosity, particularly to one part of his speech, in which he spoke of the conduct of certain societies. He heard him with the utmost satisfaction declare, that the views and object of those societies were altered: he heard him admit that there had been certainly some very pernicious principles propagated by the societies; and that he believed there were some disaffected men among them, but that they were much more inconsiderable in point of number now than heretofore. He very much wished the hon. gentleman to give some strong reasons to the House, in order to convince them of the conversion of these gentlemen, without which he for one, could not believe them. In the first place, he begged to call to the recollection of the House, that in 1792, when Paine's book first made its appearance, it was adopted with the utmost warmth and avidity by the London Corresponding and Constitutional Societies, and circulated by every means in their power. He wished now to ask, what were the principles contained in that book? They were an attack upon the monarchy, an attack upon the legislature, and a libel upon the revolution. These were the leading features of a system which they adopted. Nothing would have given him more satisfaction than for the hon. gentleman to have announced the conversion of those people; but he knew they were not sincere; as a proof of which, he would refer the House to a meeting three days before the meeting of parliament, in which they expressed themselves in the most insolent and indecent manner, in an address to his majesty. In short, from all their conduct and publications, there was no doubt of their design to subvert the constitution. Great stress was laid upon the petition which had been presented to parliament from these societies: it was argued, that by petitioning, they acknowledge that House, the authority of which they before denied: but he begged to ask, when these petitions had been sent in? Not till after the present bills were proposed. It now appeared that they could vote thanks to dukes and earls, and illustrious characters, whom they had hitherto treated with the grossest abuse. If, however, these societies had really given up their detested systems, the present acts would be so much waste paper, and would never be carried into execution. Until, however, he had strong grounds for believing this sudden change had taken place, he could

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not consent to lay down his arms. He insisted, that not one of the old established modes, in which the people used to meet for the purpose of petitioning, was interdicted by this bill. The whole question resolved itself into the balance of two evils. As the law now stood, it was competent to any man to call a meeting, however numerous, and to hold almost what language he pleased; seeing the mischief to which such a licence led, the question was, whether it would not be better to give up a part of that privilege, than to incur the dangerous consequences which might result from leaving its full exercise in the hands of bad men. He then adverted to the petitions before the House. With respect to the distinctions which had been made between persons of property and those who had none, it depended, in his opinion, upon the nature of the subject; for instance, if all the societies were to petition against this measure, he certainly should not listen to them, because the object of the bill was to restrain them; and he conceived there might be cases in which the petitions of the common people ought not to be attended to; not because they were not deserving of the regard and affection of their governors, but because they were more easily led away from the true consideration of their own interests than men of another description.

Mr. *Grey* said, that the right hon. gentleman ought rather to have attended to the forcible and manly doctrines which his right hon. friend had laid down, than the misrepresentations that had been sent abroad against him. He stated what Mr. Fox had really said on the subject of resistance; which he declared was, "that if any measure subversive of the constitution and the liberties of the people, was attempted to be carried into effect, against the decided opinion of a great majority of the people, the doctrine of resistance became a question of prudence, but was no longer a question of morality." Reproach was certainly as much due to Locke, to Sydney, and even to judge Blackstone, as to his right hon. friend, on that head. The right hon. secretary had drawn a line of distinction as to the resistance of our ancestors at the Revolution, because in that case the executive power had made a direct attempt to destroy the liberties of the subject. If, however, the two Houses of parliament should combine with the crown to that end, would it not be as good a reason for the resistance of the people as against the executive power alone? The right of petitioning was one of the strongest bulwarks of our liberties erected by the Revolution. Would not the people, therefore, be justified in their resistance to maintain it?

The question being put, "That the Bill be now read a third time," The House divided:

Tellers.

Yeas	Mr. Aldworth Neville -	266
	Mr. Steele - - - -	
Noes	Mr. Sheridan - - -	51
	Mr. Whitbread - - -	

So it was resolved in the affirmative.

Debates in the Commons on the Treasonable Practices Bill.] Nov. 30. The order of the day being read for going into a Committee on this bill, and the question being put, "That the Speaker do now leave the Chair,"

Mr. *Erskine* commenced with observing, that it might appear rather remarkable, that, seldom as he attended the House, and seldom as he obtruded himself upon their attention, he should have shown such zeal and activity in opposing the bills now pending in parliament, and more particularly that on the present occasion, he should have stood up first to oppose the Speaker's leaving the chair, on a bill which had for its avowed object the security of his majesty's person and government. He would not degrade himself so far, as to state his feelings on the outrage which had recently been committed against his majesty's person, because he had a right to presume, that they would be supposed by the world to be such, as must have actuated every humane man upon the occasion. But that no doubt might be entertained of the loyalty of his sentiments, he would declare, that in his opinion the safety of the person of the sovereign was so intimately connected with the safety of the state, that every measure ought to be adopted which could render the person of the chief magistrate more secure. The person who was entrusted with the execution of the law, was placed upon a pinnacle, exposed to observation and to envy: to him was committed the exercise of the most obnoxious functions of public justice, and on him the odium of unpopular measures was indiscriminately affixed. Whatever security, therefore, it was possible to give to

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the person of the monarch, it was wise and politic to confer; but the bill now under consideration, while it diminished the security of the subject, gave no additional security to the person of the sovereign. On the contrary, he scrupled not to assert that it tended to bring both the safety of his person, and the authority of his government, into new and alarming perils. He took it for granted, that no one would be disposed to dispute the truth of the political axiom—that that government is the best which confers the greatest security with the fewest restraints, and that it is unwise to multiply penalties without the most cogent reasons for the multiplication. There was also another axiom, which he presumed would command an universal assent—that it was always improper to repeal ancient law, till it be found, by experience and practice, to be inadequate to the purposes for which it was instituted. To prove the insufficiency of a law, it was not enough to say, that a new conjuncture had arisen which required new legal restrictions, without, in the first place, proving, that the existing laws were inadequate to meet the emergency of this conjuncture, and that the law proposed to be instituted was calculated to remedy the deficiency of the present statutes, and to answer the whole of the purpose for which it was enacted.

The great principles upon which our forefathers acted in planning the system of their jurisprudence were always to couch their statutes in terms so precise, that it was not easy to pervert their meaning; and never to make the law more severe than was necessary to answer the purpose for which it was instituted. In the statute of Edward 3rd, so distinguished by its majestic simplicity, and so remarkable for its brevity, that it was scarcely possible for any person who had read it, not to remember it, these principles were most conspicuously displayed. That statute embraced two objects of civil jurisprudence, the safety of the person of the monarch, and the stability of the government. Before that law was passed, which even from the period of its enactment, experience has evinced to be adequate to all the purposes of its institution, the country was in that deplorable situation to which it seemed to be the object of the present bill to reduce it. Then every breach of allegiance, however trifling, involved a capital offence, and the misguided enthusiast was confounded with the malignant traitor. The statute of Edward 3rd, in the words of chief justice Hale, was enacted as a "remedial law," to remove former oppressions, and to secure the administration of pure and impartial justice. By that statute, to "compass or imagine the death of the king," was stated to be high treason, and for his own part he could not conceive how any law, however minute in its provisions, could possibly provide more strongly for the safety of the king; how it was possible for any enactments, however severe, to plant a hedge by which the person of the sovereign could be more securely defended, than by the words of that statute. Perhaps it might be said by some, that the words "compass and imagine," were vague and undefined; but he would assert, it was impossible to invent terms of more clear and appropriate signification. They were the terms in which the common law of felony respecting the murder of individuals was couched. And as justice Foster had observed, the language was transferred from the law of felony to the law of treason, after it was found that the statute of felony was too severe, and that which had been in former cases murder, as affecting the individual, was made treason, as affecting the sovereign. The second part of the statute of Edward 3rd declared levying war against the king, or granting comfort and protection to his enemies, to be high treason. But why did not our ancestors make the compassing to levy war high treason? The reason was, that in the benevolence of the principles by which they were actuated, they never overstepped the necessity of the occasion. They knew that it was in the power of any malignant ruffian to attack the person of the king, and to endanger his safety, and therefore in their statute, they made the very imagination of his death to be high treason. They did not wait for the execution of the deed; they struck at the intention itself, as soon at least as it was discovered by any overt act. But they held out a conspiracy to levy war against the king as only a misdemeanor, because it was a thousand to one that the conspiracy was too contemptible for notice; that it would be discovered before it was ripe for execution; or, from the opposition which it would have to encounter, that there would be little mischief to be apprehended from its taking effect. He did not deny, that

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the first act of levying war was an act of high treason: all he contended was—and he was justified by the maxims and the practice of our jurisprudence in asserting it—that merely a conspiracy to levy war never was accounted high treason. Our ancestors recollected also, in framing the statute, that the first motion of a conspiracy against the life of a sovereign, might be fatal to his safety, and therefore they constituted even the conspiracy into an overt act of high treason. Whereas, a conspiracy to levy war against his regal capacity, requiring greater force to give it effect than the individuals concerned in it might be able to command, protected as the throne was by a powerful military guard, they determined that it should not be considered as high treason till open violence was resorted to, and the operations of the rebellion had actually commenced. The crime of conspiracy was seated in the mind, and it was only from overt acts that a criminal intention, either against the person or government of the king, could be shown to exist; but an overt act of conspiracy against the personal life of the king, was high treason; whereas an overt act of conspiracy against the regal capacity of the sovereign, was not high treason according to the existing statute. The province of the judges, in acting upon this statute, has always been to determine whether there was any overt act which in its nature constituted high treason, and after determining this, they left it to the jury to decide whether the overt acts were proven, and whether, after they were proven, guilt was brought home to the persons accused. The judges determined from the face of the indictment, upon the nature of the offence, and left the sequel to the jury, namely, the proof, the facts, and the guilt of the prisoners, as they could be ascertained from the overt acts. Overt acts in themselves did not constitute substantive treason; for, he would contend, that all the overt acts charged in a treasonable indictment might be proved, and yet that the jury might find themselves obliged, in justice, to bring in their verdict not guilty. And in this assertion he was justified by many decisions in cases of high treason. Even in cases of conspiracy, however, to levy war, if the conspiracy involves an immediate design of laying violent hands upon the person of the sovereign, such a conspiracy certainly was an overt act of high treason, and was provided for in the first clause of the statute of Edward 3rd. Thus, in the case of sir John Freind, who was tried for high treason, his objection, founded upon a certain construction of that statute, was very incorrect; whereas the opinion of chief justice Holt, who presided on his trial, was perfectly conformable to the law. The overt act charged in his indictment was the raising of troops in France, to aid the cause of the Pretender. Sir John Freind interposed an objection, which was over-ruled by the court, and Dr. Goldsmith in consequence, has taken occasion to say, that Freind made an excellent defence, but that justice Holt was prejudiced. Mr. Erskine denied the assertion, and he did it upon this ground: sir John Freind said that the troops were raised at his instance, and that the purpose for which they were raised, was to levy war against the king; but resting his cause upon the intention not having been carried into effect, he contended, that he was innocent of the charge of high treason. To this the chief justice most properly replied, that in ordinary cases, a conspiracy to levy war certainly was not an overt act of high treason, but as the immediate object of this conspiracy was, to lay violent hands upon the person of the king, it came under the first clause of the statute of Edward 3rd. and to all intents and purposes constituted an overt act of treason. Sir John Freind's objection could not bear him out; for the conspiracy in which he was engaged, as affecting the personal safety of the monarch, though not high treason in itself, was certainly an overt act of treason, except he could justify the innocence of his intention; for it was impossible to find more powerful evidence of treasonable intent, than a purpose to levy a rebellious war, with an immediate design upon the person of the king. But did lord chief justice Holt state the conspiracy as a substantive treason? No. It was impossible for him or any man to arraign the lurking intentions of the mind, and therefore, like an honest man and a sound lawyer, he only stated the facts as evidence of the design, and left the jury to decide whether the overt acts, which were proved, were proofs of guilt in the person accused.

This being the case, how was he surprised to hear that the present bill made no alteration in the law of treason! It at least made this alteration, that instead of a plain ancient statute, of which there certainly had been many constructions,

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but the constructions of which were all embodied into a regular line of precedents, that were well understood by every person who pretended to be at all versed in the law, a new statute was to be formed, and new precedents were about to be established. The text on which all the judicial constructions stood was to be cut down, and their tendency evaded; while they would be obliged anew to wander through all the ambiguities and uncertainties of the law. He asked, what in the name of God they meant by such a proceeding? By the law of England, a conspiracy to levy war against the life of the sovereign, was an overt act of high treason. Any conspiracy, to levy war against the government was deemed high treason: and so far did the provisions of the bill extend, that even a conspiracy to pull down all the bawdy-houses of the kingdom would consign the conspirators to the punishment of traitors. He asked the framers of the bill, if they had not embodied all the false constructions of the statute of Edward 3rd, on purpose to make them a standing law; and if even an attempt to pull down a few turnpike gates might not subject a man to the penalties of high treason? But not even an attempt was necessary, a conspiracy was all that was required; and a letter intimating such a design, would have all the effect with respect to the punishment of the writer which the purpose could have, after it was carried into execution. He asked these gentlemen if there was any thing, which rendered the regal capacity less secure now than at any former period? Was there any deficiency of loyalty in the state, or of military force to quell those discontents which necessarily arose even in the best regulated governments? Was it consonant with justice to impose oppressive laws upon the nation, because a solitary individual, in the malignity of his heart, or in the infatuation of enthusiasm, had committed a desperate outrage? Or, was it consistent with sound policy, to wean the love of the people from the person of the monarch by arbitrary statutes, when every man ought to use his utmost efforts to concenter their affections around the throne? It was said, that on the day on which his majesty was coming down to parliament, to perform the most sacred function of his regal office, he had been insulted by a crowd, and that in this crowd a miscreant wretch had been found who had the dark malignity of heart to assault the coach of the king, and to bring his sacred person into danger. Good God! is there no law in existence to punish such a wretch? Is it not a libel upon the honesty of an English jury, even to suppose that they would hesitate to pronounce him guilty of treason, if his person could be identified, and the fact be proved? Were all the liberties of the subject to be cut down, and all the venerable system of English jurisprudence to be overthrown, because a villain had been daring enough to commit a crime which the existing laws were fully adequate to punish? If an individual was wicked and desperate enough to throw a stone, or some substance, against the window of the state-coach, and could be proved to have thrown the substance, it would no doubt rest with the jury to decide upon his intention, which he certainly could not justify by any other plea but that of insanity—and this supposition apart, they could not fail to bring him in guilty of treason. Nay, he would even go farther, and ask of the attorney-general, if he knew of any one instance in which treasonable guilt was clearly brought home to the accused, in which he was acquitted from the deficiency in the law? On the late memorable trials, no overt act had been alleged, as immediately aiming at the death of the sovereign; and even then, much as he differed on the point of law from some explanations which were given of it from high authority the judges never had contended, that a conspiracy, or any thing less than an overt act aimed at the life of the sovereign, could constitute high treason; and even after overt acts were proved, they left it entirely to the jury to judge of the intention of their authors. What, then, could tempt them to frame a bill comprehending an immense variety of new treasons, and even constituting writing into an overt act of treason, for this he understood to be the purport of the clause in which writing or other overt act was mentioned? Why did they use these dark and ambiguous expressions? Why did not they use the good old phrase of our ancestors as proveably attainted. Or, if they were determined to create new substantive treasons, why not permit the subject to be tried upon these treasons by fair and legal evidence, without introducing terms of which it was impossible to divine the meaning, or which, if they had any meaning, contained an insult on the understandings and the feelings of Englishmen?

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Mr. Erskine next adverted to the clause in the preamble of the bill, "We, therefore, calling to mind the good and wholesome provisions which have at different times been made by the wisdom of parliament," &c. He called upon the House to consider the times in which these wholesome provisions originated, and the effects which they produced. The statute of Edward 3rd was repealed in the reign of Richard 2nd, and in consequence of the "good and wholesome provisions" by which it was supplanted, he was deposed and murdered. In an act passed in the reign of Henry 4th, these laws, to which Richard 2nd had resorted were reprobated as incompatible with the safety of the people. And those detestable poisons which had sprung up in those times, and which were all cut down with one blow in the days of Henry, the present ministers were about to cultivate anew, not without reviling and insulting the statute by which they were destroyed. Mr. Erskine said, he had no right to ask an audience of his majesty, but he declared, that he felt a strong inclination to rush into the closet of his sovereign, forgetful of the usual forms of decorum, and to implore him upon his knees, to withhold his assent from a bill, which went to destroy his throne in the hearts of his subjects, and to invest him with the insignia of a tyrant. Before the days of Edward 3rd the people lay in a great measure at the mercy of the sovereign. The statute relative to high treason passed in that reign, secured to them personal safety. The weeds which had before choaked the rights of the people, sprang up again; but they were mowed down at one stroke by Henry 4th. They shot forth a third time; and even in the first year of the reign of queen Mary, whose bloody persecutions were sufficient to induce the mind to turn with horror from her history, an act was passed to relieve the subject from the oppression of treason laws. He desired that they would reflect on this act, not only as a monument of wisdom, but as a step which was found to be necessary in a reign which was marked with bloodshed and barbarity; to reflect, that the measures at which it struck were never renewed, even where the Stuarts, with a numerous tribe of adherents, were daring the present family on the throne; that they were never renewed during all the assassination plots of king William, and they were not even renewed during the actual rebellions in the reign of George 1st and 2nd. Then every Englishman felt proud in living under the mild and auspicious influence of English laws; but it was become part of the politics of modern times to recur to measures which disgraced the worst periods of our history.

He asked if it was really fit and proper to borrow from the policy of Charles 2nd, or to imitate the measures of such a reign? Let us, said Mr. Erskine, for a little, compare the periods: Charles 2nd was recalled to the throne after Charles 1st had been murdered, after monarchy had been for a considerable time entirely annihilated, and when great numbers of his subjects were liable to sentence of death for high treason. What did he do on his first ascending the throne? Why, he passed an act of oblivion of all the treasons which had been committed against his father, and granted pardons to those who had incurred the sentence of the law. At that very time, the act, from which this was almost literally copied, was poured into his bosom as a grateful effusion for his compassion, and in the first transport of zeal for the firm establishment of monarchy, while the wounds which the usurpation of Cromwell had inflicted were scarcely healed. Previous to the restoration of Charles 2d, when no law against treason was in force except the statute of Edward 3rd, serjeant Hales moved in the House of Commons, that the concessions of Charles 1st, at the treaty of Nieuport, should be laid before them as a kind of Bill of Rights for the subject, but they would not even hear him: tired of Cromwell's oppression, and eager for the return of monarchy, they let their zeal outrun their judgment, and allowed their loyalty to compromise with their safety. But what was the consequence? The act which was passed, and of which this was a copy, was followed up by a number of prosecutions, which brought on a revolution, which exterminated the whole race of kings then upon the throne. But what effect had that law in securing the safety of Charles? Then (said Mr. Erskine) there were false plots and conspiracies, as there are now. Then a system of alarm was propagated, as it is at this day. Then fulsome addresses were presented to the king not unlike those which we now see swarming around the throne. One plot, indeed, was real in king Charles's time: that of Ryehouse.—But how did the sovereign escape from the machinations

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of the conspirators who had a design against his life? How was his person defended from the hand of violence? Did that piece of paper save him? No. He was saved by his house at Newmarket taking fire on the Wednesday, whereas his assassins were not ready to shoot him till the Friday.

The object of the present bill might be divided into two parts: To defend his majesty against rebels and assassins; and in both these views, it was equally useless and insufficient. There was no need to secure the sovereign against rebellious attempts; for no symptoms of general disaffection in the country had ever appeared; and from the efforts of a few discontented individuals what danger was to be apprehended? Assassins might be divided into three classes; those who act under the influence of malignant dispositions, those who are disordered in their minds, and those who are impelled by the enthusiastic frenzy of politics, or are employed as the instruments of others. From the first class the personal virtues of his majesty afforded him the best and the safest protection. He had wronged no man; he had never swayed the sceptre of a tyrant, nor ruled with a rod of oppression. From the second class it was impossible for any penal enactments to protect him, as they were not proper objects of punishment. And from the third, it was impossible for this or any other law to guard him. What law would have restrained a Ravaillac or an Ankerstroem from executing their foul and malignant design? The assassin must either be detected or escape undetected. If he is not detected what law, however severe, can reach a man who is unknown! If he is detected, who would tell him that his life was protected by the present laws. After the knife had been pointed at the breast of the sovereign, who would pretend to say that the attempt had been made merely to make trial of the affections of the people? Good God! exclaimed Mr. Erskine, I cannot believe that his majesty, convinced as he must necessarily be of the loyalty and attachment of his people, will ever give his approbation to a law which, under the pretext of providing for his safety, contains a gross and unfounded libel upon the character of his subjects. When it pleased God to remove from the sovereign the hand of affliction, what demonstrations of loyalty and affection appeared in the metropolis as his majesty passed to St. Paul's, to give thanks to heaven for his deliverance! One would have thought that it was one great family rejoicing at the recovery of their common father. And, notwithstanding all this tumult of congratulatory joy; notwithstanding that banquet of affection, on which it is the fortune of the present monarch daily to regale, his ministers would inspire him with jealousy and distrust. An alarm is sounded throughout the kingdom, and spies and informers echo back the cry.

The next part of the bill to which Mr. Erskine adverted, was the clause in which to "express, publish, utter or declare, any words, or sentences to incite or stir up the people," &c. is called a misdemeanor. From whence the framers of the bill had borrowed this provision, he could not conceive. After this a sigh or a groan might be construed into treason. He had in vain searched for it in the history of former tyrants, and could only suppose it to have been suggested by the description of the poet:—

> In the vaulted roof
> The tyrant sat, and thro' a secret channel
> Collected every sound; heard each complaint
> Of martyr'd virtue; kept a register
> Of sighs and groans, by cruelty extorted;
> Noted the honest language of the heart;
> Then on the victims wreak'd his murd'rous rage,
> For yielding to the feelings of their nature.

What followed shocked him still more, in so much, that he shuddered to read it.—From what quiver the arrow came, he neither knew, nor desired to know. That the second offence should be punished with transportation. Good God! that the law of Scotland should be translated into the code of English jurisprudence, at a certain conjuncture, because the people of Scotland had thought fit to live under them in any conjuncture! Every crime ought to have an appropriate punishment measured by the moral turpitude of the crime, and not by the circumstances attending the commission. A robbery on the highway was equally criminal whether the sum taken was one pound or a thousand. A burglary was equally immoral whether there were goods carried off to a great or a small amount. And why should a misdemeanor be made to differ from itself; and why leave to the magistrate a discretionary power, which never ought, and never can with propriety exist along

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with an equal and impartial distribution of justice? This discretionary power was not vested solely in the chief magistrate; according to the present bill it would be the prerogative of every court of Oyer and Terminer throughout the kingdom to transport a man for seven years, whether justly or unjustly, who had happened on a former occasion to have been convicted of a libel. According to the law of libel, as lately amended and explained, the jury were judges of what was a libel, as well as of the intention of the author. This doctrine, however, might soon be superseded by the operation of the present bill, which might limit and control the established privileges of the jury, and deprive the people of that last barrier, by which their liberties were defended. He would put an instance; suppose a bookseller publishes a pamphlet which shall be found to be a libel, though perhaps he never read a page of it, and was asleep when it was published, yet this man might be exiled from his country by any magistrate who might think fit to exercise with severity the discretion vested in him by the laws. He did not mean to reflect upon the general character of the magistrates of this country; but he contended that the government of England was a government of jealousy, and that it was the duty of every branch of the constitution to watch the motions of the rest. At present, however, there seemed to be a disposition to throw the balance of power into the hands of the crown, and commit the rights of justice to the discretionary exercise of his majesty's ministers. He trusted, however, that the people of this country retained enough of the spirit of their ancestors, to spurn such an impudent invasion of their privileges, not by open rebellion and forcible resistance, but by their united voice, raised in such a firm and decided tone as to awe and terrify ministers into a desertion of their wild, extravagant, and oppressive measures. If the provisions of the bill were to take effect, they would oblige the people to fly from their own species; they would render them unsafe in their beds; convert their tables into scenes of jealousy and distrust and totally extinguish all the private intercourse of life. Upon the whole, Mr. Erskine concluded, that the statute of Edward 3rd was sufficient to punish every attempt upon the life of the sovereign, and that the annals of Britain could not furnish an occasion on which it had not been adequate to all the purposes of a treason law. On the other hand, he concluded, that the present bill went to create new and unnecessary treasons, to disorganize the system of our civil jurisprudence, to alter and render oppressive the present libel law, and, by sanctioning grievous and vexatious measures, to excite disaffection, and to engender discord. He would therefore oppose the Speaker's leaving the chair.

The *Attorney-General* said, he rose to make some observations on the speech he had just heard from his learned friend—a speech which, with the greatest respect for the talents and the utmost persuasion of the purity of intention of his learned friend, seemed to him to be an extraordinary one, and by no means in point to the motion before the House. He accused his learned friend of blending some arguments which related chiefly to the bill which had been discussed upon a former evening, with his reasoning upon the bill which was now more particularly under their consideration. It was undoubtedly the duty of every man to declare his opinion upon a public question of importance; but as to the present bill, in its present stage, he could see no satisfactory reason for opposing it. The question for the consideration of the House was, not whether there was any ambiguity in the provisions of the bill—not whether there was too great severity in its penalties—not whether it was a mere explanation of the act of the 25th of Edward 3rd, or introduced laws of a new description—not whether the bill was fit to be received by the House: but the question was, whether, after having undergone two readings, the House should again recur to the ground they had before gone over, and consider whether the principle of the bill would bear it out—or whether, by meliorating the provisions of it, or adopting them as they stood, they should best render it effective to its end. He contended, that this bill did not go beyond the statute of the 25th of Edward 3rd: he had never known one measure more essential since the formation of that statute than the present, inasmuch as it more clearly defined and explained the purport, meaning, and intent of that statute, while it most strictly followed the letter and spirit of it. He had paid a general attention to the petitions against the bills, and, from the declarations of his

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learned friend, he understood, that he followed the general propositions laid down in those petitions, that the law of treason was not only perfectly adequate to the prevention and punishment of the crime of treason, but that the plain letter of the law as it now stood, was so explicit and intelligible as to admit no misconstruction. Here he differed with him; because if the law of treason, according to the 25th of Edward 3rd, was so clear, explicit, and intelligible, what occasion was there for the learned gentleman in the year 1795 to desire the House to look to all the judicial expositions upon it? He agreed with him, that all judicial expositions of the law were not to be looked at with jealousy, particularly those upon the law of treason; because every question of treason affected the life of an individual; but he begged to observe that the 25th of Edward 3rd had provided that in all questions of doubt and uncertainty, an appeal should be made to parliament for a more definite and satisfactory exposition: and it was upon this principle that the present bill was introduced. According to the declaration of his learned friend, the statute of the 25th of Edward 3rd was so plain, that those who ran might read, and those who read might understand; but when he recollected how many constructions had been put upon that statute how many decisions had been given as to the passage upon levying war, and when he remembered all the distinctions of actual and constructive war, he could not coincide in this opinion. He therefore thought it a wise, a prudent, and a necessary act of the legislature, to pass a law, like the present, upon that statute, inasmuch as it must tend to the benefit of the common weal, and to the safety of the subject, to render that statute less ambiguous. He repeated, that parliament had been referred to in all ages, not only for the enactment of new laws, but for the exposition of old ones, and that the law of treasons required such an exposition; for as lord Hale had said in his judicial exposition of treason "Let no man suppose that these treasons are not included in the statute of Edward 3d." So it was necessary that parliament should more distinctly and immediately describe what was, and what was not treason, by giving notice that that statute would attach to such and such crimes; and upon the same principle did lord Hale say, in his observations upon the statute of Richard 2nd, that the imagination of the deposition of the king was included in the statute of Edward 3d. In doing this, no man could hesitate to adopt the language of the preamble of the first of queen Mary, if any similarity in the circumstances could warrant it. But if it was shewn that this went no farther than the provisions of 25th of Edward 3rd, did it follow that the preamble of this act should adopt the same sentiments as that of queen Mary? His learned friend had endeavoured to show, that an act of hostility, such as levying war against the king, if not coupled with an intention to compass his death, was not treason. He for his part thought otherwise. If, then, it was doubtful what interpretation might arise upon the law, it was fit that, by the interposition of the legislature, that the point should be put at rest. With all due respect, however, for the opinion of his learned friend (and no one could value it more highly than he did), he would affirm it as his opinion, that in strict sense and interpretation of law, he who compassed the deposition of the king, compassed his death, and was to all intents and purposes guilty of high treason; and, he would hazard an assertion, that all the legal and judicial authorities were in favour of that position. While a shadow of doubt, however, remained to obscure the subject, the parliament should remove it; and tell, in explicit and unequivocal terms, what the law really was. He admitted that in ordinary cases it might happen, that a person might form an intention to maim, wound or imprison, and yet mean not to take away the life of the object: but such cases as the present were governed by a different principle; and the laws distinctly stated, that if any person meant to do an act, which in its ordinary and natural consequences might bring about the death of the king, that person was guilty of compassing the king's death: this was laid down by Hale, and all the great crown lawyers. In the case of sir John Freind, Treby says, for he was sitting by lord chief justice Holt at the time, that the lord chief justice informed the jury, if they had no evidence that the defendant compassed or imagined the king's death, but confined his intentions solely to the deposition, he came within the penalty of the statute, and was guilty of high treason. The attorney-general confessed himself exactly of the same opinion; for although sir John Freind had previously so

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arranged matters, that king William should have been merely dispossessed of the throne of this realm, and have been suffered to escape unhurt to Holland, yet he would say distinctly this was treason. The attorney-general farther supported his opinion by the opinion of lord Hardwicke in the case of lord Lovat, and then urged, that the single question for the House would be, to inform the people what the law of treason was, and if it was found that the law was either inexplicit or deficient, then the single question for the House would be, to enact such a law as might answer the occasion.—He then adverted once more to the recent state trials. Though a traitorous conspiracy was not proved at those trials, a design to traduce and subvert the constitution and government of the country was made manifest by meetings which had never before existed, and by the publication of libels to which this country had been a stranger. This design was fully made out to his mind, and if such was his genuine impression, he thought it not only his duty to state it to the House, but to submit such provisions as should appear necessary against the repetition of such offences, and to support them with his best ability. If the House differed with him in this idea, it was at liberty to act as it pleased; but if ever the time came, when their habitations should be tumbling down upon them, and they should blame themselves for having been too supine, he desired them to remember that no blame could rest with him, and that he had at least told them of their danger. He reminded all men of property, amongst whom he did not exclusively class men of wealth, estates, and splendid possessions, but all those who thought that the liberty of Britons was their most valuable property, that a revolution never could enrich the poorer classes, but would make the country poor indeed. Upon these grounds he felt the obligation to introduce the present law.—He then proceeded in his observations, and commented on the peculiar care which the laws of treason, according to the judicial expositions took of the person of the king, and stated in the words of an hon. friend, that the late proceedings which justified these measures were not English, but French treason, and adduced another argument in favour of his declaration, from the commitment of Frith, the maniac, by the late lord Chancellor, as guilty of high treason, not because lord Thurlow could imagine that a small pebble was likely to kill the king but because it was marked by circumstances of peril which at first indicated a treasonable intention. On the supposition, however, that this was not the law of the country, and, independent of any connexion with the societies, he asked, whether there was ever an instance of a similar attack upon the sovereign as that which was made on the first day of the session; or whether there was ever an act which more earnestly called upon parliament to explain the law of treason, or propose some new provisions?—As to the objection made by his learned friend to the wording of the provision, he would only remark, in vindication of it, that the words were the same with those used in every indictment for high treason. But supposing the words were objectionable, was that a reason for not going into the committee, where they might be altered? He confessed that the bill might be made more analogous to the law, and more efficient to the objects and purposes it had in view; but it was in a committee alone that this could be done. The opposition of his learned friend, therefore, was peculiarly ill-timed and improper. His learned friend had spoken much of the severity of the punishment of certain misdemeanors; but he would remind the House, that at former times, misdemeanors were held highly punishable. A great person (lord Thurlow), whom he was bound to revere, and whose protection of him demanded, and should ever have his gratitude and esteem, had, when attorney-general, prosecuted Mr. Horne Tooke for a libel, and had moved the court that he should be pilloried, though the libel upon record was not like the modern publications, a libel on the government and constitution of the country, and degrading to the most sacred and honourable characters, but merely a libel concerning the administration of the kingdom. Now, with respect to the first offence under this statute, a misdemeanor was liable to be punished by common law. By the present bill, the nature of the crime was not altered, though the mode of conviction was, and that in a way favourable to the offender. For, whereas, in other cases one witness was sufficient to convict, by this bill the concurrence of two was necessary. And, on a wilful and malicious repetition after conviction, was it not reasonable to restrain and mark the offence by a more signal penalty?—He then entered into general arguments

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in favour of the bill, remarking, that about the latter end of the year 1791, a system of opinions, and of action perfectly novel, was introduced in this country Meetings were formed upon a new principle of association, in which, as his learned friend, Mr. Grant had observed the other evening in a speech that would be remembered so long as the deliberations of that House were ever remembered, the machinations of a few individuals, leagued together like those who produced the French revolution, circulated libels which in their nature and extent required some restriction. The government of this and every other country, was, he continued founded on opinion: and who was there in that House who did not remember about ten years ago, that the constitution was considered as the source of all our blessings, the security of all private happiness, and the foundation of all public respect, the pride and boast of the natives, the envy and admiration of foreigners, and the finest model of practical liberty? These societies had set out with the doctrine that the will of the majority was paramount to all other rights; but when, upon putting it to the test, the enemies of the constitution found that the will of the majority was in its favour, it became necessary to their views to write down every thing that was valuable. This was done, not in abstract publications—not by fair discussion—not in the common and customary modes and channels of conveyance; but in the most wicked libels upon government and upon every person eminent for talents and virtue—scattered by societies through the country, in numbers beyond calculation, and in such editions as enabled them to deal out, at the cheapest rate, their infernal poison; showing that the government was an imposition; that the king, instead of doing no wrong, could do no good; that hereditary government was an usurpation; and that the constitution was a scandalous compact between the king and the aristocracy, to rob the people. Thus the government was to be written down and that in the very way practised with so much success in France. He said that the constitution looked at man as that imperfect being nature made him; and while it cloathed the kingly office with qualities more than human, such as perpetuity, infallibility, ubiquity, and perfection, it gave the king the common allotment of humanity, and restrained the exercise of his power by commissioners, who were to be responsible for his actions; and by the checks of the two other branches of the legislature. Yet this wise and salutary principle of the constitution was perverted, and the ideal attributes given by it to the kingly office, represented as if applied to his mere physical qualities, in order to bring both king and constitution into contempt. Gentlemen would ask, why those libels were not prosecuted? To this he would answer, because they were so numerous, so intricate, and so dexterous, that no individual prosecution was sufficient to answer the wholesome purposes to be derived from such a proceeding. Let gentlemen only walk down the Strand, and in shops of the most public resort, see what innumerable seditious amphlets were openly held out to sale. Was he to prosecute all those books? Could he do it? Was it possible? The House should remember, that in the last two years there were more prosecutions for libels than in any twenty years before. The first libel he would suppose punished with three years imprisonment; the second libel of the same person would add two more years, that would make five: taking it this way, if every libel was punished, there were many men, whose lives, if protracted to the greatest extent of human longevity, would not see the end of their punishments. If from this defect in the laws, the sovereign was to be libelled and degraded with impunity, the mischief would soon rise to that excess, that the House would wish, when too late, that they had applied a timely remedy to the evil.—He said, he had now told the House what he thought were the objects of the societies, and he asked a right hon. gentleman (Mr. Fox) why he avoided delivering his opinion upon the objects of the societies when called to do so by his learned friend (Mr. Grant), especially, when he had said that they were less dangerous than before. He concluded by asserting, that much as he lamented the occasion, since similar laws had been enacted in the reigns of Charles 2nd, king William, and queen Anne, since the object of the societies was, to degrade and destroy every principle of virtue and all natural religion and political order, and since it was an established maxim, that *salus populi suprema lex*, he should vote for going into a committee on the bill.

Mr. *Fox* said, that it appeared to him something singular, and not very auspicious

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to the correctness of the statements of the attorney-general, that he had begun his speech with uttering complaints against his learned friend with respect to blending the two bills in argument on the present occasion. Though his learned friend had spoken at considerable length, and with an effect which he trusted would not easily be forgotten, and though the two bills, in their component parts, might be traced to the same principle, and considered as the result of a connected attempt on the liberties of the country, he called upon the House to recollect that his learned friend had spoken most distinctly to the bill then before the House, and also on the system which ministers had lately adopted for the purpose of subverting the liberties of the people of England. In this his learned friend was perfectly right, because the charge he made was just. He spoke of one in consequence of the connexion which it evidently had with the other; they were both branches of the same system, which ministers had adopted against the liberties of the people. The business then before the House undoubtedly was, the nature of the present bill: he hoped, however, he was not mistaken when he expected that parliament would consider that the preamble of a bill and its enactments were two separate and distinct things. If that were true with respect to a bill that originated in that House, did it not more emphatically apply to a bill that originated in the other House of parliament? And if the bill then under consideration not only came from another House of Parliament, but came also from persons who were suspected of not being attached to the best principles of our constitution, upon that view only, if there had been no other, he was desirous that the bill should be rejected.

He had flattered himself that he knew something of the bill from some recollection of its contents: however, the speech of the learned gentleman had staggered him; certainly the speech he had heard bore no resemblance to the ideas he had entertained of the bill. From one part of that speech a person who was a perfect stranger to the bill, would have thought it was a declaratory law on the crime of treason, and on the meaning of the statutes which defined it. He would have expected to have heard read as an introduction to the bill, words to this effect: "Whereas doubts have arisen respecting the law as it now stands with regard to the crime of treason; be it declared, &c." Instead of this, he only found that reference was had to, and loose, very loose, comments made on, what had recently happened, and on facts which had lately been brought forward in a court of justice. The learned gentleman had done no more than this, and then appeared to insinuate, to render the bill a little less disgusting, that it was intended to be only temporary. He would ask, if the bill was to be temporary, where was the propriety in making it of a declaratory nature? A declaration must be either true or false: truth was eternal; if, therefore, the bill depended upon the truth of its declaration, it should not be a bill passed for a temporary purpose, but ought to be made a permanent law. This, however, was not the case with respect to the present bill: it was made use of as an argument for the moment, to take it in that light by way of justification of its enactments; but the bill itself was only an experiment to try how the people would bear it. If any part of the learned gentleman's speech was attempted to be opposed to the reasoning of his hon. and learned friend, by way of answer or refutation, it was that which related to the construction that had been put from time to time, by judges on the statute of the 25th of Edw. 3rd. Was the bill a measure to set that question at rest, as the learned gentleman had stated it? Was such a declaration necessary? If the learned gentleman thought so, would it not be necessary to bring in a bill to make that declaration explicit? Upon the necessity of making that declaration he might agree with the learned gentleman. "That the declaration of the learned gentleman and mine upon that law would be different, I have (said Mr. Fox), as little doubt as that we differ upon this; but the bill surely cannot be considered in the light of a declaration, because it is temporary, and says nothing upon treason as to the levying of war." With regard to the act of Edw. 3rd, he must make a distinction between an attack upon the natural life and the political power of the king. He could easily conceive that any person who should be guilty of an attack on the natural life of the king, that was to say, who had, by overt-act, proved that he compassed or imagined his death, should be subject to the highest penalty of the law; and yet that an attempt at the destruction of the political power of the king should only be deemed guilty of

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a misdemeanor. He knew it was a popular argument: he had conversed with many who urged it, and said, "Why, is it not absurd to say you will guard the natural life of the king, which, in a constitutional point of view, cannot be more important than the political power of the king, more than you will guard that political power?" In his opinion, that argument was wholly fallacious; because the laws of a state were not to be governed by the ideas of guilt, and in proportion to our feelings as to the mischief which might possibly ensue, but in proportion to the difficulty or facility with which the object might be attacked. It was in this last view that the wisdom of our ancestors had framed the law of Edw. 3rd. They had said, that he who should, by overt act, prove that he compassed or imagined the natural death of the king, should be guilty of high treason. Why? Not because the natural life of the king could be more constitutionally important than the political power of the kingly office, but, as his learned friend had well observed, because the death of the king could be accomplished by one man who was wicked enough to determine on it; and this he could do in an instant with a pistol, or a dagger, or in any other way; and therefore the legislature had done wisely to declare, that he who should compass or imagine the death of the king should be guilty of high treason. To such an act there ought to be the highest possible penalty annexed.—He was ready to admit that the king's person was not so well guarded as he could wish, but it was as strongly guarded as it was possible to guard it by law. Guards of another description, indeed, he might have, but nothing of that sort was proposed by the present bill; and he trusted they never would be proposed by any parliament, because it would be highly unconstitutional. With regard to the political power of the king, he must observe, that although, constitutionally speaking, that was a still dearer and more precious object to them, yet there was no necessity of guarding it in the same manner; because, the destruction of the political power of the king could not be effectually attacked by one man, nor could it be accomplished, like the other, in one moment. Levying war for the destruction of government could not be the act of a single man; it must be the act of multitudes; it must, indeed, be a sequence of acts, upon which a government might wait with safety until something was done, instead of declaring that the compassing or imagining constituted the guilt, as the law declared in the other case. The difference was, in the one case the king might be assassinated by a single individual in a moment, whereas the constitution could not be assassinated but by a series of acts committed by a multitude of persons; that was the reason why our ancestors had made an attack upon the life of the king, a different offence from that of an attempt to subvert the monarchy. The distinction had been well marked by a common expression—"the constitution may be destroyed, but it cannot be assassinated."

Having thus observed on the wisdom of our ancestors with respect to the statute of Edward 3rd, he wished to say a few words as to the construction which had been put upon it. He might be asked, whether he approved of the construction which had been put by the judges upon that statute? He admitted the inferiority of his judgment to that of those learned persons; he must, however, form it from the best lights he was able, and having done so, he had no difficulty in saying, that he did not agree with them according to the statement of the learned gentleman that night. If he were asked, whether he thought the judicial determination of the judges from time to time made part of the law of the land? he would answer he was not competent to determine that question. This he would nevertheless say, that an act of parliament was a part of the law of the land, as interesting as the judicial determination of the judges, and often more intelligible to the mass of mankind; and it was and ought to be, of higher authority. If, therefore, there was a doubt as to the real meaning of the act of Edward 3rd, he had no objection to a parliamentary declaration of the law in that respect, what that declaration should be, he would be ready to argue hereafter. For the sake of the argument, he would allow, that all the judgments which had been given by the judges were correct: and then he would maintain, that gentlemen on the other side had not proved, that this bill was not a material alteration of the law of the land; but that he would not enter into at that moment, but merely observe, that his learned friend's arguments upon that, as well as other points,

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had not at all been answered. Whether the point was to be given up, he did not know; but as it stood at present, it made conspiracy to levy war a substantive treason. [The Attorney General explained, that it only put under this description a conspiracy to levy a direct war, and not to levy an indirect war.] Then, continued Mr. Fox, the point is gained; if, in some instances, it made a conspiracy to levy war a substantive treason, and in others not, it was evident that a material innovation had been made. With respect to the construction of the law of Edward 3rd, he had always thought, from what he had read from Hale, from Foster, and other authorities, and he had read their works with attention, that the point was clear, particularly the case of a special verdict. He conceived that when there were charges of levying direct war, stated as high treason, for deposing the king, they were always stated in that way, that they were overt acts, to prove the intention of compassing and imagining the death of the king; and, upon that, the question came to this: whether such acts proved the compassing or imagining? If that levying of war be of itself treason without the compassing or imagining, then a verdict that the defendant did so conspire and levy war, without saying one word of the compassing or imagining, would be a complete verdict, and whatever the opinion of the jury might be with respect to the imagining the death of the king, the crime would be complete. He would ask the learned gentleman one question. Suppose A. and B. had conspired to levy war against the king, and with hostile arms proceeded to depose the king, and that the jury on the trial should find the conspiracy and the appearing in hostile arms, but should find that there was no intention of putting the king to death, would the learned gentleman then say, that judgment should follow against the defendants for high treason as a consequence of law from that verdict? If the learned gentleman would boldly say this, then he would allow that his construction of the law of treason was a bad, and the learned gentleman's a good construction. Indeed, he believed the learned gentleman would not maintain that doctrine; and he believed too, that the very essence of the crime of high treason, was that of compassing and imagining the death of the king; and that if the jury did not find the compassing and imagining the death, the verdict would be null and void. Such, he maintained, was the law at present; but if the bill passed, that would not be the law; then the law would be, that the bare finding of such verdict as he had stated, would be sufficient to convict any person of high treason; and he would maintain, that it was extremely material to attend to that distinction. The subject ought to be protected in his rights upon all occasions; the House should, therefore, be extremely cautious in agreeing to any thing that encroached upon them; but, above all, in cases of high treason: they should not forget that, as the crime of high treason was a crime to which the highest penalty was attached, it was also a crime in which the power of the magistrate ought to be looked at with the highest degree of jealousy. In all other charges made by the crown against its subjects, the chief magistrate had no distinct interest in the conviction; but in the charge of high treason, he was to be swayed by considerations of a personal nature, and thence had sprung all the regulations of giving to the accused a list of the jurors and the witnesses, and all the various other checks which the wisdom of our ancestors had provided. These were not jealousies of his own, stated for the purpose of supporting the debate, they were jealousies of the law of the land, jealousies which had been shown in a variety of instances, constitutional jealousies, that ought to be considered attentively by that House. They ought still farther to be careful how they proceeded in a measure that abridged the functions of a jury; independent of other considerations, the bill would make a formidable invasion of the law: the jury would not hereafter have to consider the mind of the person accused; they would have nothing to try but the fact stated in the indictment; the rest would be mere inference of law; and although the jury should negative the intention of putting the king to death, yet judgment must pass upon the defendant.

Mr. Fox slightly adverted to the statute of Edward 3rd, and that of Charles 2nd, which were referred to by gentlemen of the other side as the foundation of the present measure. The statute of Edward 3rd was the old constitutional law of treason. Its introduction had freed the jurisprudence of the country from much uncertainty; and it had, in no instance, been deviated from in later times without

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producing considerable mischief. The other act was brought in at the period of the Restoration, when the people were wearied of the evils they had suffered under the former usurpation, and were willing to throw all their liberties into the hands of the crown. Let the House look at the statutes, and recollect the prevailing spirit of that day. They would find that very parliament, which the present was about to imitate, giving to the king a power to raise a military of his own, and money to pay them, which was to be applied afterwards without the consent of parliament. They gave to the king the power which they ought to have kept in their own hands;—a scandalous negligence, and for which the people suffered most deplorably! Englishmen had, indeed, the happiness to feel that justice had been administered in this country for a century past, in a manner more mild, more pure, and more independent, than perhaps in any other country upon earth for the same period; they ought nevertheless to take care not to copy the sort of laws that were enacted in those abominable times of blind submission. They were about to adopt laws similar to those passed in one period of our history. And what period? the period of the reign of Charles 2nd, that period which of all our history was most abominable and scandalous in the administration of its justice; the most scandalous, perhaps, in the world, under all the circumstances of it. —With regard to that reign, one of its most remarkable features was, that the names of those who perished on the scaffold for high treason, were among those that were most dear to the recollection of Englishmen. He knew that Sydney and Russell were not, indeed, tried by the statute which he had alluded to, the time being expired within which that law allowed them to be accused, but those eminent men perished on the scaffold for high treason. He said this to show the general spirit of jurisprudence that governed this country at that period. Those, therefore, who admired that reign, were not to look to its ministers or its judges, but to those who expired on the scaffold for high treason. The law which then was enforced, was such as the law under consideration was proposed to be; it expired, however, with the prince for whom it was brought forward. Richard 2nd was also a prince for whom such a law was enacted, and soon after he was deposed and assassinated. Charles 2nd had a long, and, as some said, a flourishing reign; but it was not flourishing in the mind of any man who really knew what a flourishing reign was. Was there any one who looked to the history of those times, to the unprincipled policy of the court, and the open profligacy of public measures, who did not consider it as a blemish on the English character, and a reproach to the spirit of our ancestors, that the reign of that monarch was suffered to be protracted till the period of his natural life? Were those auspicious times, from which to derive a precedent for their present conduct?

Two reasons had been adduced in favour of the present bill. The first he should dispose of very shortly. It was said to be a declaration of the meaning of the statute of Edward 3rd. A declaratory act it could not be, because a declaratory act must be plain and simple; and, indeed, that part of the case had not been seriously insisted upon by the learned gentleman. The other reason was, the general prevalence of libels; and in proof of this, much had been said about the disposition of some people to treat all authority with contempt. It was true that a stone had been thrown at his majesty; but whoever attended to speeches upon that subject, would find how small a part of the people were concerned in that outrage, or tinctured with the disposition he had just maintained. The act, every body knew, was an odious and a detestable one; but ought the whole people of England to be deprived of their rights on account of that act?—The learned gentleman had adverted to what passed at the Old Bailey last year. If the temper of some of the people had been seen to be so dangerous at that time, it was extraordinary that the measures now proposed had not been proposed sooner. The truth was, ministers had not an opportunity to suit their views till just at present. They took the advantage of the generous indignation of the people at the atrocious outrage offered to his majesty, and, under pretence of providing against a similar outrage, were going to deprive the people of their rights. They turned the best passions of the people of England into a delusion; in order to deprive them of their dearest interests. He was justified in saying this; else why had not the bill been brought forward sooner? With respect to the state trials, the learned

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gentleman contended that they had proved much, and that notwithstanding the persons indicted had been acquitted, the trials were calculated to produce a considerable effect on the public mind. So they certainly had, but not the sort of effect the learned gentleman would insinuate. In that acquittal he, for one, had already declared, that he most sincerely exulted, and he should ever continue to exult. That acquittal, in his view of the subject, tended to produce an impression of the happiest kind. If there were men to whom the constitution had begun to appear odious, that acquittal must have softened their animosity, and disposed them to regard it with a friendly eye: if there were others wavering in their sentiments, it must have had the effect of reviving their attachment, and confirming them in the line of their duty, more than all the penal laws that the legislature could enact in a century. Even if those persons who had been tried entertained opinions hostile to the constitution—and he did not deny that in the societies there were some men of that description—still he considered it as a glorious event for the constitution itself, that those persons had been acquitted. Nay more, if even men, whose sentiments were hostile to the constitution, had found refuge from that strict and impartial justice which it administered to all, such an event he could not but consider as calculated to convert disaffection and enmity into admiration and applause. This he believed to be the real effect of these trials, although the learned gentleman made use of them in his argument, in order to show a spirit of disaffection to the constitution in a considerable part of the people.

With regard to that part of the bill which regarded the penalty of misdemeanor, it called for animadversion, as it referred to an offence more likely to occur often than the offence of high treason. The learned gentleman had urged, that it did not, in the first instance, create new misdemeanor: he did not know that it did; this, however, he knew, that it defined that which, by the law as it stood, was subject only to the penalty of misdemeanor, to the penalty of felony, although it should not be stated in the indictment to be a felony. He wished to know, whether the provision in the late libel-bill would be allowed to apply to the new law, or whether the bill was not to renew the usurpation of judges upon the old law, and deprive the jury of the privilege of examining into the intention of the accused, and from that intention to find their verdict; or, were they to be left to find the dry matter of fact, and was all the rest to be in the hands of the court, to be disposed of as mere matter of law? The most material part of the case in this view was that which subjected a man for the second misdemeanor to transportation. How the learned gentleman would answer this he could not tell, but he was sure it was not in the power of human skill to answer it satisfactorily. His learned friend had observed, that this description of offence was so wide and general, that by applying a sentence of equal severity whenever an offence was repeated, the same punishment might be made to include the most venial errors, and the blackest crimes. It was a great principle of justice, that the punishment should be proportionate to the offence; but by the regulation proposed, this principle would be entirely defeated. Would the learned gentleman say, that by the analogy of law a comparative distinction could be made between the second misdemeanor and the first? Was it not essential, that the distinction should be kept up between a misdemeanor and a felony? And was it not essential that there should be a proportion between the punishment for one and another misdemeanor? There were some misdemeanors of so slight a nature, that though a thousand times repeated, they would not, in point of enormity, be equal to one of a more serious description. Under the head of misdemeanors was defined whatever might tend to excite hatred and contempt against the constitution. He, who complained of the inequality of the representation, and, in illustration of his argument in support of a reform in parliament, referred to a borough so and so situated, might, from the operation of this bill, be sent to Botany Bay for seven years!

I wish (said Mr. Fox) you had made it death; the punishment would not have been more severe; and your law would be better understood by it. Compare this with the most atrocious misdemeanor in cases that are not political. Suppose a man be convicted of an assault, with intent to kill his own father, and repeats it as often as imagination can suggest, still he will be punished as for a misdemeanor only, which is fine and imprisonment; but if he be guilty twice of insisting on the propriety of a re-

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form in parliament, he may be punished with transportation to Botany Bay. I have stated this case in the extreme, to show the enormous disproportion which this bill creates in the punishment of offences. It was in the nature of the thing, that misdemeanor should be punished by a discretionary sentence, and that it should stand distinct from felony: a thousand misdemeanors could not, by the spirit and genius of the law of England, amount to, or be punished as, a felony: that was to confound all the principles of our law. The sort of punishment which the bill enacted for misdemeanors was for the first time introduced into the country from the pretended law of Scotland; though such was the horror with which Englishmen regarded it, that when, some time since, it had been presented to their minds, it excited an universal sentiment of indignation. He called it, "pretended law;" for he would never so far degrade Scotland, as to suppose it could really be the law of that country. Had any want of effect, he asked, been experienced from punishments formerly inflicted, because they were not sufficiently severe? He adverted to the case of Messrs. Muir and Palmer, men of enlightened minds, of respectable rank in society, of irreproachable morals, who, because they expressed themselves warmly with respect to what they considered to be grievances, were sent to Botany Bay, to associate, not merely with the lowest of men in point of rank, but with a description of persons so degraded and abandoned, that the necessity of associating with them under any circumstances, was a deep disgrace, and must itself constitute a considerable punishment. What effect did ministers pretend to say that had produced? Had it produced a greater reverence for the laws, or occasioned a cessation of those libels which were the subject of complaint? No; for they were told that libels had increased since that period a thousand fold. If, on the other hand, it had produced those effects, what necessity was there to resort to new measures? If it had failed, did not experience demonstrate the futility of again having recourse to a similar policy? But it was said, that in Scotland, where those measures had been adopted, no discontent existed. He believed the case was quite the reverse, and that the discontent really felt in that quarter was not the less because the expression of it had been subdued by the terror of severe and unwarrantable punishments. If the state of Scotland was, as they pretended, they ought not at least to think of extending the penalties of the bill to that country. The best way to attach the people to the constitution, would be to preserve the mildness of its laws. Could the learned gentleman, or any of his friends, learned in the history of this country, point out an instance of such a punishment as that which was proposed by the bill? He warned them against the policy of multiplying new codes of penal laws, and of accumulating oppressive restrictions beyond what the temper of the people could bear? But in answer to all this, they had been told that the corresponding and other societies did such and such things; and he was applied to on a former night, by an hon. gentleman, who said, that he avoided stating his opinion upon those societies. He did not avoid stating his opinion. That hon. gentleman had asked him, what those societies meant? To that question he had answered, that he could not decisively say, because he believed there were some in that society who meant one thing and some another. He had distinctly said, that there might be a few persons in those societies hostile to the constitution, but the greater number he believed to be sincere in the object which they professed—a parliamentary reform. That there might be others who had different views he did not deny; but he could not separate the whole from a part, and therefore in the mass he gave them, as he thought he ought, credit for the sincerity of their professions. Such he should always give to large bodies of people. There had been long established in this town a society against what were called republicans and levellers. What was his opinion of that society? The same as his opinion was of the Corresponding Society; that they were in a mass sincere in what they professed; that they were in favour of the constitution. Did he believe that one of them wanted to overturn the monarchy of this country, and the other to make it absolute? No such thing; he gave them each credit for being sincere in preserving the constitution; the one dreading one event, the other dreading the opposite event. He knew none of the leaders of the Corresponding Society; he however knew the leading member of the society against republicans and levellers; he knew Mr. Reeves. He knew he had

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published libels after libels, attacking the constitution; that he had, year after year, circulated such publications; that he had circulated a pamphlet, a direct libel on that House, in which it was said that rotten boroughs, extravagant courts, selfish ministers and corrupt majorities were essential to the well-being of the constitution of the country. The conclusion to be drawn from such abominable doctrine, he did not ascribe to every man in that society; the greater number he believed to have united, in order to guard the constitution, against a danger which they supposed to be pressing and imminent. The few who took advantage of their fears for the constitution in order to forward their own designs for its destruction; of those he judged from their actions. He knew, that with respect to those societies, there were violent opinions on both sides; but he saw Mr. Reeves's society with as much industry, and with more means, because with more money, circulating such doctrines as were contained in the sentence he had just quoted; he saw circulated by the same authority a book called "John Bull to Thomas Bull," and he saw such doctrines accompanied with incendiary handbills against the Protestant Dissenters, and fraught with every species of gross and inflammatory misrepresentation. He saw, on the other hand, libels ascribed to the Corresponding Society, so monstrous, that he could only compare them with the others to which he had referred; with this difference, that when it was proposed to inquire into their authenticity, the proof was denied. He would say, therefore, that those who professed that they had no other aim but a reform of parliament were in earnest in the mass, as he said of the society against republicans and levellers, and he saw no ground for a parliamentary provision against the mass of either society, although individuals among the members of each of them might deserve censure.

His two principal objections to the bill were, that it narrowed the power of the jury in cases of treason, and that it provided for misdemeanors a new punishment which would apply with undistinguished severity to the greatest and least degrees of delinquency. The learned gentleman had stated the increased and increasing number of libels as a justification of the present bill; some of these libels he understood, had been punished pretty severely; and the publishers who might have been in their beds at the time the books were sold, and who at any rate had only been in the exercise of their business, without being aware that they were committing a breach of the law, had been confined for two or three years. Some had been convicted on the oaths of witnesses, notoriously perjured. One man had been convicted and punished at Manchester, on the oath of a person named Dunn, who was afterwards proved to be guilty of perjury, and another upon the same evidence at Lancaster.—It had been said by the learned gentleman that libels were so numerous that they could no longer be prosecuted. Was he satisfied that the severity of the bill would infallibly diminish their numbers, or that he should be able more safely to apply the new law than the old? If there was a spirit of discontent so widely diffused in the country, and still likely to increase, arising, as he verily believed, from the bad administration of public affairs; and as the learned gentleman thought from the obstinacy and perverseness of the people; it would be proper, in order to stop the progress of the evil to send whole fleets of libellers to Botany Bay. The learned gentleman had spoken of libels against the king and other persons. His opinion was, that libelling the king and individuals had not been sufficiently punished. He would prosecute with the utmost severity, all libels on the characters of persons, with whatever party they were connected. The most exemplary rigour of that sort he would connect with equal temperance in respect to libels of another description. He would punish whatever reflected on the dignity of the chief magistrate, or the fair fame of individuals; but all political libels he would leave to themselves; discussions on government, so far as they did not interfere with private character, he would permit to pass entirely unrestrained; that was the way to make the press respected and useful; and he was convinced, that if this policy had been adopted sooner, things would not have been in the situation in which they were at present; but such was not the object of the bill; the chief point which its promoter had in view was to terrify the people from making free with him under the name of government. He should therefore vote against the Speaker leaving the chair. If another bill should be brought in less exceptionable in its clauses, and better calculated to answer the purpose in view, he should have no objection to give it his support.

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The *Master of the Rolls* said, that the two gentlemen had construed the law of treason, as relating to the levying war, and to attacks upon the king's person, in a manner that perfectly astonished him. According to the positions that had been advanced, if a number of men conspired together for the purpose of deposing the king, and of compelling him to quit this country, they could not (provided there was no intention expressed of taking away his life), be indicted for high treason, unless they had actually levied war. He was sure no lawyer, at least no man who was guided in his own judgment by the adjudications of the courts, could seriously maintain that doctrine. If that, however, was the law, it was high time that some alteration should be made in it; for what security could there exist for a government, if it was necessary that the rebellion should be actually commenced, and perhaps St. James's attacked, before any of the conspirators could be indicted for high treason? The other argument was no less extraordinary. It was said, that if any persons should make an attack upon his majesty's person, and even maim and wound him, such persons could not be convicted of high treason, unless the jury were convinced that there actually existed an intention of depriving the sovereign of his life. This was placing an attack upon the king exactly upon the level of an assault with intent to murder an individual, where it was necessary to prove, to a certain degree, the intention; but in the case of an attack upon the king, it never was expected that the intention should be proved, because the imposing a restraint upon the king's person, or attacking him in any way, if proved, left no inference to the jury—the law inferred the guilt.—He thought it necessary to state, than in one case, and one case only, the bill before the House might be considered as an extension of the law of treason. It had not hitherto been understood, that a conspiracy against the king was a substantive treason against his person, but a levying of war against his authority. It was true that the clause in this bill would include every act committed against the regal authority of the king; but every other article which it contained was at this moment treason by the existing law of the land. Excepting, indeed, this clause, the whole of the bill, was in effect and purport the same with the statute of Edward 3rd. It might be necessary in the committee, to make some specific declaration of what acts of levying war shall be deemed treasonable by this bill, for no man would hesitate to allow that there were some species which should be so defined. He was not fond of adding to the catalogue of treasons, and instanced the case of lord George Gordon, which, if it was not treason, ought to be so. He denied Mr. Erskine's assertion, that there had been no explanation of the law of treasons, except in bad times. The learned gentleman had alluded to the statute of the 1st of Mary, in a way not consistent with his known accuracy. He had alluded to that act, and to its preamble, and then hurried away by the warmth of his imagination, had asserted that there were no acts in that reign for increasing the treason laws. His learned friend must have forgotten the act of the 2d and 3rd of Phillip and Mary. But to quit those times of persecution, were there no additions to the law of treason in the reign of king William? Was it not increased by the acts of the 3d and 9th of that monarch's reign? And was it not again increased by the act of the 6th of Anne, which declared it to be high treason to dispute the power of parliament to limit the succession to the crown, or to question the Hanover succession? These instances, he trusted, were sufficient to show, that even in those times which gentlemen had applauded so highly, the laws of treason were always increased, in order to meet the exigency of the case. But gentlemen had adverted to the clause in the present bill, which inflicted the punishment of transportation upon advisedly speaking, &c. and had considered it as a total innovation on the penal code to punish a misdemeanor in that manner. He wished again to refer to the 6th of Anne, in which it was enacted, that if any man should, by advisedly speaking, maintain, that parliament had no right to limit the succession, &c. he should be guilty of a premunire, the punishment of which was imprisonment during the king's pleasure, forfeiture of all lands and tenements, goods and chattels, and incapacity to maintain any action. Transportation for a misdemeanour was by no means new. Perjury, which was a misdemeanor, was punishable with transportation; but it appeared to him rather absurd to attempt to class crimes in that manner. He thought the punishment should be directed rather to meet the exigency of the

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case, than to be regulated by the particular class to which the crime belonged. The question now was, what is the enormity of the offence of conspiring to produce a hatred and contempt of his majesty's person and government? what is the danger threatened to the state by it, and what ought to be the punishment? If it was possible for a gentleman of eloquence and talents at the bar, to persuade a jury that levying war against the king, or conspiring his deposition, was not comprehended in the law of treasons, it was high time to make an express declaration to that purpose. The law now proposed went to that extent, and to that only: it was absolutely necessary, from the circumstances of the times, nor, in his opinion, was it too severe in its punishment.

The question being put, "That the Speaker do now leave the chair," the House divided:

Tellers.

Yeas	Mr. John Smyth - - -	203
	Mr. Anstruther - - -	
Noes	Mr. Whitbread - - -	40
	Mr. Jekyll - - - - -	

The House then went into the committee, in which the clauses of the bill were gone through.

Dec. 10. On the order of the day for the third reading of the Treasonable Practices bill,

Mr. *Harrison* said, that the most respectable lawyers were clear that the present laws were sufficiently strong to meet all possible circumstances. Would then, the House agree to an act that went to specify new crimes, and enforce new punishments? Ought not gentlemen first to inquire what sort of a guard the act would constitute for the sovereign? It would, he feared, tend to show his majesty in an odious light; as it was to die with him, and was thought unnecessary for the protection of future kings. It was a libel on his majesty's virtues: it was a libel on the loyalty of his people. The true safety of a king was centered in the affection of his people: and such affection his majesty enjoyed. He trusted the country would distinguish between an amiable monarch and a bad ministry, and that all the odium would be confined to ministers, who had reduced the nation to the most alarming situation. He said he looked with horror to the consequences of the passing of this bill. A private letter dropped out of the pocket, the malice of a servant, the repetition of a conversation at table, with a thousand other circumstances, frivolous and innocent in their natures, might be magnified to dangerous portents. No man would be safe for a moment. Let gentlemen consult the history of the world, and they would see the impolicy of such rigorous restrictions on freedom. In governments which had recourse to such oppressive measures, the most violent convulsions had happened, and by the addition of such new constructions of treason, the same violences might be repeated.

Alderman *Newnham* said, that the best reason for supporting the bill was, the late outrage on his majesty. Was not such a measure necessary when a king, the most distinguished for amiable and mild virtues was attacked—a king, who

"Hath borne his faculties so meek, hath been
So clear in his high office, that his virtues
Would plead, like angels trumpet-tongued, against
The deep damnation of his taking off."

All the publications of the societies went to do away the monarchy and both houses of parliament; for if annual parliaments and universal suffrage took place, the destruction of the three branches of the constitution would soon follow. In his conscience, he believed some strong measure necessary to stem the torrent of licentiousness and anarchy; and he thought the present measure was not stronger than was necessary.

Sir *W. Pulteney* thought the laws of the country would not be in the least altered by the present bill, but that they would be better defined, and hence better enforced. The bill merely defined the law of Edward 3rd and all that could be called new, was making a conspiracy to levy war, treason. This regulation was necessary, to restrain the sedition afloat in the country.

General *Tarleton* remarked, that when the laws had hitherto been found sufficient for the happiness, prosperity, and freedom of the people, it was their duty to inquire what were the grounds for the introduction of these bills. The reasons, in his mind, which induced ministers to bring in the bills, were the acquittals at the Old Bailey and the present ruinous war. The bill would prevent the people from canvassing the conduct of the minister with respect to the war, and other domestic circumstances of a distressing nature. The

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security of the monarch lay in the heart of his subjects; and no monarch was ever deeper rooted in the affections of his people than the prince who filled the throne at present; a sufficient evidence of this appeared when his majesty went to St. Paul's shortly after his recovery. We had, he contended, attacked France wantonly and unprovokedly, because we did not chose that twenty-five millions of people should settle their internal government without our interference.

Mr. *Western* declared he felt indignant at the bill, and was fully satisfied, that the extension of the penal laws afforded not the least protection to the sovereign, government, and subject. The nearer a king approached to despotism, the more was his personal danger increased. The bill, he was convinced, was subversive of the fundamental principles of the constitution, and he hoped the king would give his negative to it. It had ever been his opinion, that the sovereign's best security was in the affections of his subjects. The bill would render the crime of high treason vague and indefinite, and the person of his majesty unsafe. He would read an extract from Dean Swift, who in his political creed, forcibly argues against the suspension of any of the liberties of the people, points out the consequences to which such suspension must lead, and the encouragement which it gives to spies and informers "the most accursed, and prostitute, and abandoned race, that God ever permitted to plague mankind."*

Mr. *I. H. Browne* thought the bill would define clearly what was treason, and give a legislative sanction to the suppression of it. No king, he was persuaded, ever had the affections of his people in a greater degree than his majesty; and he was equally certain, that so far from gaining affection by giving his negative to the bills it would contribute to his unpopularity. The hon. gentleman had quoted Swift as a person whose political principles sanctioned the opinion he supported. Swift certainly was a great man and a masterly writer, but he was a disappointed man, and a most factious, splenetic, and seditious person. He thought the bill calculated to calm the agitation of the public mind, by giving the magistrate a power to apprehend people for acting against the laws of the country.

Mr. *M. Robinson* hoped the negative of the sovereign might be gained, and blamed the hon. gentleman for endeavouring to degrade the character of the author of the Drapier's Letters. Such was his opinion of the two bills, that if the guillotine had been erected in this country, he thought it could not be more terrific.

Mr. *Sheridan* animadverted very warmly on the reflections thrown out by Mr. Browne on Dean Swift. That hon. gentleman had confined his whole argument to reviling the character and memory of that great man. The House, he was sure, would pardon an hereditary respect for that illustrious divine and philosopher. But it was not merely from that motive, but from respect to truth, he now took up the point; for surely, every one would agree with him, that there never was a man who, with a more firm and manly spirit of attachment to the rights of mankind, maintained the cause of freedom, or merited the tribute of gratitude. He declared he never heard a passage more applicable to the present times, than that quoted by Mr. Western. That the Dean was no flatterer of great men, that he had sown the seeds of reform in the state, and that the whole body of court corruption had been the object of his attack, was much to his honour. He was not surprised that those who thought improvident loans and corrupt courts were useful to the constitution, should hold the memory of Swift in abhorrence. He recollected, though perhaps imperfectly, some lines of a poem, called the "Libel on the rev. Dr. Delany, and his excellency lord John Carteret," where Swift supposes in Ireland (for no such thing could happen here), that a minister comes with a budget full of rewards for those who support him, which (though of course not applicable now), might show what the corruption of loans and budgets were in Dean Swift's time. He says, after supposing that a gentleman who pays his court to a minister, must perform actions contrary to his disposition, like the avenging angel in Mr. Addison's admired simile, which he repeats,

"I'll lend you an allusion fitter,
Though flatt'ring knaves may call it bitter;
Which, if you durst but give it place,
Would show you many a statesman's face."
So to effect his monarch's ends,
From hell a viceroy devil ascends:
His budget with corruptions cramm'd,
The contributions of the damn'd;

* See Swift's celebrated letter to Mr. Pope dated January 10, 1720-1721. Swift's Works. Vol. 16, p. 231. Ed. 1803.

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Which with unsparing hand he throws
Through courts and senates as he goes;
And then at Belzebub's black-hall,
Complains his budget was too small."

That a man who had so expressed his abhorrence of corruption should be detested by the abettors of that corruption, was, he repeated, not at all astonishing. He suspected that there had been a similar strewing of favours here, and that the hon. gentleman opposite had come in for his share, though he certainly would not presume to say

"From budgets with corruptions cramm'd,
The contributions of the damn'd."

The attempt upon his majesty, was simply the pretext and stalking horse for the introduction of this bill, as there were certainly provisions enow for the protection of his person before; and except the clause which constitutes the overawing of parliament treason, there was no new treason. If this law had been enacted some time ago, the leading part of the administration might have been transported; and indeed he was sorry for the country's sake that it had not. Would any one deny, that when Mr. Pitt, in conjunction with the duke of Richmond and Mr. Horne Tooke, signed the resolutions at the Thatched-house for a parliamentary reform, wherein he represented the House of Commons to be corrupt, and not the real representation of the people, that such a proceeding might have a tendency to stir up the people to hatred and contempt of the government? The bills, if acted upon, would, he was apprehensive, tend rather to convulse than to pacify the country. It was, therefore, his opinion, that the king would do right to give them his negative. The excess of gratitude that must arise in the breast of a grateful people for such a magnanimous act, would render his majesty's crown doubly secure: then he might say, "Dismiss my guards, the affections of my subjects are my best defence." He wished to propose an amendment in the second clause, to take away the discretionary power of the judge in Scotland, in respect to the punishment for sedition, and to confine it to seven years, in like manner as the bill provided for this kingdom.

Mr. *Jenkinson* said, he could not but regard the bills as salutary measures, and such as were urgently called for by the necessity of the times. That seditious doctrines were idustriously disseminated, every one must be convinced, who trusted to the testimony of his ears or eyes; and between the propagators of these doctrines and the nefarious outrage on his majesty, it was hard to say that no connexion existed; since all the circumstances which accompanied that foul attempt went evidently to prove that it was pre-concerted. That the measures under discussion threatened to be rigorous in their operations, he would not deny; but when crimes peculiar to the times arose, wisdom and policy suggested the necessity of enacting some severer laws than were in ordinary times resorted to. Sedition was unquestionably the reigning crime of these days; and to check it, some additional punishment should be held out *in terrorem*. He saw no reason why the provisions of the bill should be extended to Scotland. The penal code that existed in that country was not at present the subject before the House; it must occur to every gentleman, however, that the bill could not be introduced into Scotland without altering the whole principle of the Scotch law.

Mr. *Jekyll* said, he would ask whether there was a crown lawyer in the House who would rise and say, that for the various crimes of treason, sedition, and conspiracy, there were not statutes enacting an appropriate punishment? Why, then, this bill? Was there any necessity to have recourse to the evidence taken by the Lords, to prove a conspiracy, in order that a jury might find the traitor guilty? Such a conspiracy was not necessary, by the law of England, to prove the overt act of treason; and this overt act being proved, it was impossible not to find the author guilty of high treason. But as to the existence of a conspiracy, or a connexion between the outrage offered to his majesty, and the societies so much reprobated, no proof whatever appeared. Still, however, new laws were required, though no new crimes could be proved. —To show the severity of the laws already in force, he would only advert to the trial of Mr. Winterbotham, at which he had been present. There the defendant was charged with sedition, and it was even a question of doubt with the jury whether they should find him guilty. He asked, if the cumulative sentence of Mr. Winterbotham for the two offences, was not adequate, without superadding the horror of transportation? Yet now a general law was thought necessary on the subject. His sentence was for the two

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separate offences, four years imprisonment in Clerkenwell.* He appealed to the Roman history, in proof of the consequence and effect of severe laws. He reminded the House of the sanguinary laws of the Roman kings, and asked how long the regal form of government survived them. During the republic, the Porcian law repealed the penalty of death and the republic flourished. Under the emperors, the bloody enactments revived, and the empire crumbled into dust. This bill went to multiply the villainous horde of spies, informers, and perjured witnesses. Under a bill like the present, Rousseau during a temporary residence in this country, and after publishing a second edition of his Social Contract, might have been condemned to all the miseries of exile; and Mr. Hume for his Idea of a Perfect Commonwealth might have been sent to languish with Muir and Palmer on the desert shores of South America, amidst felons and outcasts of society. Feeling it his duty to make this last stand against a bill so abominable, scandalous, and infernal, and intended by ministers as a bulwark to shelter them from the just indignation of the people, he deprecated its passing into a law.

The *Attorney General* said, he had heard of language resembling that of the last speaker having been used out of doors, but he did not expect to have heard any thing so intemperate in that House. One of the bills to which the learned gentleman had applied such extraordinary epithets had already received the sanction of parliament, and the other was that day brought forward to be read a third time. These bills, thus sanctioned, the learned gentleman had thought proper to call "abominable, scandalous and infernal." With respect to the bill then before the House, if gentlemen would examine it fairly and impartially, they would find it to be nothing more than a legislative exposition of the statute of Edward 3rd. Nor could any lawyer say that these acts went farther than that statute; for by them the statute of Edward 3rd was only made more explicit and defined; and this parliamentary declaration, to show what the law is, was wise and necessary, as the subjects of the kingdom ought to know and perfectly understand, that the law of treason, and all the sound and wholesome laws of the country were impartially dealt out to them, especially those on which their lives depended. He took a view of the different political societies, and of the source from whence they sprung. France and French principles he looked upon as their fruitful parent. Hence the mother societies; hence the affiliated ones that had spread themselves over the whole country. The engines they employed to diffuse their principles, were libels, seditious meetings, and industriously disseminating an idea that their numbers were immense; at one time they boasted that they amounted to 300,000; at another they had stated themselves as forming the majority of the nation. Their progress had been somewhat checked by the late trials for high treason, and the suspension of the Habeas Corpus act; but scarcely were these restraints removed, when they reared anew their heads with renovated hardihood. If he did not know these things, he could not defend the bills. It was necessary at this time to give up a part of the valuable privileges of the constitution, that we might not lose them for ever. It had been urged that this bill was a pretence to introduce a new law respecting misdemeanor, for the purpose of preventing all meetings for the discussion of parliamentary reform. Did gentlemen mean to say, that that which was formerly legal with respect to that object, would now be illegal? He was confident no such assertion could be maintained. He had heard over and over again of the cruelty of the prosecutions, and the severity of the punishments for sedition. He could with confidence declare that there had never been a case in which he had been called upon to prosecute, that he did not state to the jury that he would rather have the gown stripped from his back than ask them to give a verdict contrary to their consciences. In the case of misdemeanor, there was no alteration of the law, until the second offence, and even then the mercy of the sovereign could be interposed, if it should be found that the case required it. This was a proper and constitutional qualification to the laws, and no rational man would deny, that what ought to be an object of general prevention, ought certainly to have a specific punishment legally attached to it.

Mr. *Fox* said, he entirely agreed that there were no terms of reprobation and contempt too severe for the two important bills which ministers had brought, on the sudden, into parliament. After giving to

* See Howell's State Trials, Vol. 22, p. 907.

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several speeches of the learned attorney-general all the attention of which he was capable, and after examining minutely the amendments which the present bill had undergone, he confessed that he was as much as ever disposed to object to every tittle of it. An outrage had been committed on the person of the sovereign, and a new enactment was made, not for the better security of the life of the king, for that, was impossible, but to constitute an attempt to overawe the Houses of Parliament into a substantive treason. He was told that the bill was merely declaratory; and, also, that it was merely temporary: now, a temporary declaratory bill was an absurdity, and a contradiction in terms. That the bill went to create new treasons had been confidently denied. He must, however, affirm the direct contrary, and assert that it did create new treasons, if it was admitted that there was any difference between an act being high treason, and an act being only evidence of high treason. At present, an overt act was an evidence of high treason; but by the provisions of this bill, those acts which were before only evidence of treason, became in themselves substantive treasons. And if new substantive treasons were created, new constructions would be made upon these treasons: so that not only all the constructions of the present statute would be constituted into substantive treasons, but new constructions would arise upon these new created treasons, which would perplex the statute to a degree that would render it impossible to be fairly understood. He had no objection to a declaratory bill, explanatory of the statute of Edward 3rd, by which it might be reduced to its plain, simple, and original meaning. The present bill, however, was by no means calculated for that purpose. It was, indeed, the fashion to say, that it was necessary to give some additional security to the person of the sovereign. He would nevertheless contend, that it was not the natural effect of the extension of penal laws to confer security. He asked, if ever there was an instance in any country in which the sovereign, whether he was individual, or whether that power was deputed to an assembly, was indebted for security to the severity of a penal code? He called upon the House to look into the history of the bad times of the world, and to compare his observation with facts; and, if they were not satisfied with that comparison, he desired that they would judge of it upon the experience of more modern times. Was the overthrow of the primitive monarchy of France owing to lenient laws, or a lenient execution of those laws? And when the government of France was overturned, was the fall of Robespierre owing to the gentleness of his principles, or the mildness of those laws which he had framed for the purpose of protecting his person? If they looked to the assassination of the king of Sweden, would they attribute that event to the extension of liberty, or to an unusual licence of speaking and of writing? Or would they not rather ascribe it to the enraged fanaticism of the people, at seeing themselves deprived of those liberties in which they were born, and under which they thought they had a right to live? From what time were the regulations of the present bill borrowed? Were they not copied from the reign of Charles 2nd, a prince against whom, certainly, not the fewest personal attacks had been directed. —As far, then, as the bill respected the law of treason, in his opinion, it created new substantive treasons by constituting an attempt to overawe the parliament an overt act of treason. What was to be construed an attempt to overawe the parliament? Did the framers of the bill intend that an attempt to overawe the parliament, by the violence of prayer and of petition, should be considered as an overt act of treason? But, if they meant to affix the penalty to hostilities directed against parliament, the provision was superfluous, as it would be impossible to wage hostilities against either House of Parliament, without, in the first place, making an attack upon the person of the sovereign. It had been stated, that a convention had met for the express purpose of overawing the legislature; but of this he had never heard any proof. He had some material objections to the clause in which "writing or any overt act or deed" was mentioned. The word "other" was left out, but he could not understand what was meant by the words which were suffered to remain, for if there was either sense or grammar in the expression, something else than an overt act was meant. And if writing was, contra-distinguished from an overt act, to be considered as a substantive treason, with what propriety or upon what grounds was it declared, that the present bill was merely explanatory of the statute of Edward 3rd?—

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Having said this much upon the treason part of the bill, which he thought the least objectionable, he proceeded to remark upon the clause respecting misdemeanor. And here also it was contended, that the bill did not go to create any misdemeanor, which he positively denied; because, the judge would have it in his power to say to the jury, "Do you find that these words and sentences were spoken with a design to excite the hatred and contempt of the people against the House of Commons as at present constituted?" and if the jury should find such a design to be proved, the court would have nothing to do but to claim the right of explaining the law, and, under the legal construction of the act, to enforce its penalties. Upon this principle a meeting could not be held for petitioning for a reform in parliament, without incurring the penalties denounced in the provisions of the act. With regard to the penalty of transportation for the second offence, he did not think that the arguments which he had adduced on a former night had been answered. He had then asserted, what he was not now disposed to retract, that the same offence ought never to be punished with different penalties, particularly when there were different shades and degrees in the offence.—Gentlemen on the other side had pleaded the power of his majesty to pardon, as an extenuation of the severities of the act. This privilege he considered as absolutely necessary in a government similar to that of England; but there was a wide difference between this privilege when applied to general and to political crimes. It was notorious, that this privilege of the king was controlled in its exercise by his ministers. In cases of felony he would trust the compassion of any minister, but in state prosecutions he would be backward in trusting any minister, because these prosecutions were connected with circumstances in which ministers were particularly interested. Far less would he trust the present ministers, who had sanctioned the iniquitous and cruel sentences of the court of justiciary in Scotland; sentences not less execrable than any which had been passed in the reigns of queen Mary, or of Charles 2nd.—It was said that sedition was the reigning crime of the day: if it was, it looked ill for administration; because popular discontent was the usual, and indeed, the natural consequence of ministerial misconduct: and he ventured to predict, that if the present system was obstinately pursued, still more alarming consequences would ensue. Such laws as the present bills would constitute against sedition, were to him objects of abhorrence, because they were novelties unknown to the English constitution. He was more and more convinced of the rectitude of his opinion, when he reflected on the detestable system of criminal law practised in Scotland; the iniquitous and cruel sentence of the court of justiciary, in which part of the kingdom, his majesty's ministers had not only sanctioned, but elaborately defended. The trial of Mr. Muir, and the other unfortunate gentlemen who suffered a similar fate, he could never think of without abhorrence. The sentence was an eternal disgrace to the court; and the Scotch judge* who had affirmed, that no punishment was too severe for the man who was guilty of sedition, that the wretch ought to be exposed to wild beasts —that judge merited the universal execration of mankind, and it would entail lasting disgrace on the present times, as nothing more harsh, brutal, and unfeeling was to be found in the arbitrary and oppressive reigns of Charles 2nd, and queen Mary. In the bill before the House, the abominably intolerant spirit of the Scotch court was attempted to be established. The proceedings were a national disgrace, and were not excelled in the barbarous code of the most barbarous ages. Had Mr. Muir's case been submitted to an English jury, he would uudoubtedly have

* Lord Swinton, in giving his opinion upon the verdict of the Jury on the Trial of Mr. Muir, made use of these words:—"If punishment adequate to the crime of sedition were to be sought for, it could not be found in our law, now that torture is happily abolished. The sole object of punishment among us is only to deter others from committing like crimes in time coming. In this view I concur in the proposal that has been made of transportation for fourteen years, which is a mild punishment, considering the offence, and considering the danger of the times. By the Roman law, which is held to be our common law where there is no statute, the punishment was various, and transportation was among the mildest mentioned. Paulus, l. 38. Dig. de Pœnis writes, 'Actores seditionis et tumultûs, populo concitato, pro qualitate dignitatis, aut in furcam tolluntur, aut bestiis objiciuntur, aut in insulam deportantur.' We have chosen the mildest of these punishments." See Howell's State Trials, Vol. 23, p. 234.

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been acquitted: but, whether totally acquitted or not, he never would have been consigned to the sufferings which he had experienced. The noble and generous spirit of Englishmen would have revolted at such excessive and overstrained punishments. And it ought never to be forgotten, that, notwithstanding the grand jury found the bills against the persons tried at the Old Bailey, the petty jury acquitted them.—Mr. Fox condemned the unlimited power which the bill was about to repose in the executive government. By the infamy of spies and informers, both he and his countrymen were exposed to the indignation of the court party for the time being. He deprecated such an unconstitutional power, and bestowed unbounded praise on our ancestors for their wisdom in resisting any appearance of such abominable encroachments upon the liberties of the people. If the detestable spirit of the Scotch law respecting sedition were established in this country, then farewell to all liberty of speech! farewell to the familiarities of conversation! The servant who stood behind his chair, if wicked enough, might betray him, and, seduced by those in power, might give information which would endanger both his liberty and his life. The abandoned maid-servant * of Mr. Muir had acted in a similar manner: violating the confidence reposed in every servant by a master, she communicated to the friends of government the honest, undisguised expressions of Mr. Muir's mind. All that he had frequently expressed was, a wish for a reform of the abuses which he daily saw; and no good man could lay his hand upon his heart, and deny the rectitude of his mind, when provoked by such a system as sullied the country which gave it birth. Mr. Fox said, that even if Mr. Reeves should be found guilty of the libel on that House, which had lately engaged their notice: if he should be found to have recommended and circulated another infamous libel against the constitution, written by Arthur Young; and if he should also be found to have published at different times libels against the protestant dissenters, marking them out as a description of people who ought to be exterminated, he would even go upon his knees to beseech his majesty not to enforce against Mr. Reeves a sentence of transportation.—A good deal had been said respecting his majesty's refusing his assent to these bills. His own wish was, that that prerogative of the crown might remain dormant and quiescent It was a prerogative which, he believed, would only be a favourite, while it was not attempted to be exercised. He trusted, that if the bills should pass, they would meet with a speedy repeal. He rather trusted that the people would petition his majesty to dissolve parliament, which was their undoubted right, if ever parliament had acted in such a way as to require an interference of that kind. He rejoiced, that on the present occasion, the spirit of the people had shown itself to be alive: and he hoped, that the display which had been made of the energy of the public mind, would be attended with the happiest effects. The bills formed a crisis in the history of the country; inasmuch as they were a departure from the whole system of the principles of the constitution. The present bill was modelled upon an act of Charles 2nd. The people of England had, in his opinion, committed a worse offence, by the unconstitutional restoration of that monarch, than even by the death of Charles 1st. It was a measure which originated in a period when the parliament gave up to the king the disposal of the military force, and surrendered the liberties of the people at the foot of the throne. There was one clause in the act of Charles 2nd, which showed the spirit of those times. By this clause it was made penal to say the king was a papist. And why? Because such was the precise fact. It was rather inauspicious in the present moment, that it should be thought necessary that a bill should be adopted to prevent people from telling the truth. No man would say that George 3rd, was a papist. But what was the object of the present bill? By this bill men were forbidden to speak of the defects of government, and of those abuses which were growing up from day to day, to destroy the spirit of the constitution. If ministers had not been conscious of the existence of those defects, they would not have forbidden men to discuss them. He had somewhere read, that after the defeat of Brutus and Cassius, a decree had been passed, that Augustus, who was then raised to the highest dignities of the state, should not be called a boy,—"puer, ne

* Mr. Fox alluded to the evidence of Anne Fisher on the trial of Mr. Muir. See Howell's State Trials, vol. 23, p. 146.

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majestrati populi Romani detractaret." Augustus passed no such decree at the latter end of his reign: nor did Tiberius, at any period, feel such a decree to be necessary. The present was a law against proclaiming the defects of the constitution, at a period when the government were every day bringing on fresh abuses The bill was itself an intolerable grievance. This is the last opportunity, (said Mr. Fox), that I may have to state my sentiments with respect to these bills. I feel it therefore incumbent upon me to declare, that my objections still remain unimpaired. The one is calculated to prevent the liberty of speech; the other the liberty of writing and publishing. If these bills be carried into effect, and if their influence extend to the national character, other nations will be enabled to say, that England, which has conquered others, has at last made a shameful conquest of herself.

Mr. *Pitt* rose and said:—After the many important discussions, which for some days past have successively engaged your attention, it would ill become me to occupy much of your time at this advanced period of the debate; but having had so large a share in bringing forward these bill, it is necessary that I should sbortly advert to the arguments advanced against them by gentlemen on the other side. And first, I will take notice of the general objections, before I enter into the detail of the measures. There is one circumstance, in which I agree with the right hon. gentleman who has just sat down, namely, that these bills form an important crisis in the history of this country. The question is no less than—whether the King, Lords, and Commons, invested with the constitutional power of the country, and acting for the protection of the whole, shall unite to repel the attacks of those, who have proclaimed themselves the enemies of the constitution, and who, under the pretence of exercising its privileges, are busied in carrying on their hostile designs. There are two reasons from which I am apt to think that this crisis is determined. On this day a boldness of language and vehemence of assertion have been employed in arraigning the bills, which go beyond the bounds of parliamentary usage. One gentleman has called these, "infernal" bills. Another hon. gentleman has said, that if he was entitled to demand an audience, he would beseech the king to exert the power vested in him by the constitution of putting his negative on these bills. What! does the hon. gentleman think it would be decorous to go to his majesty with his advice to reject bills, offered to him by the other two branches of the legislature, as a testimony of their concern for the safety of his royal person, and which comprehend a salutary enactment in support of their own constitutional rights: The right hon. gentlemen who spoke last would advise his majesty not to put his negative on the bills, but immediately to dissolve parliament. It certainly is one of the prerogatives of the crown, to dissolve parliament; but there was a time when that right hon. gentleman was not quite so well convinced that such dissolution was an unquestionable exercise of a just prerogative; on the contrary, when the voice of the people was heard from all quarters, about twelve years ago, against a particular public measure, that right hon. gentleman not only questioned the constitutional right to dissolve parliament in such circumstances, but branded the dissolution which took place, as perfectly unconstitutional. If his majesty should have advisers who would give such counsel, I shall only say, that they will not be those who are in the habit of giving his majesty advice, and are responsible for the advice they give.

A strong proof to me that the crisis to which I have referred is determined, is the different language which I now find to be held by the right hon. gentleman. He has no longer any hopes to prevent the bills from being enacted, but he trusts to the people, in order to have them speedily repealed. I am glad to find the right hon. gentleman is become so far a convert to the system of moderation, that he looks to see how many he can bring to concur with him in endeavouring to procure the repeal of the bills if they should pass into laws, and not with how many he may think it prudent to resist their operation. I am glad to find that the doctrine of resistance, on which so much stress was laid in an earlier stage of the business, is not at this time uppermost in the mind of the right hon. gentleman. I trust that the avowal and justification of this doctrine will not produce that impression which such a principle is calculated to make on violent and unenlightened minds. Should their ignorance be misled and their passions inflamed, dreadful indeed may be

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the consequences on their future conduct. I trust that the danger incurred to the public peace, will operate as a warning to gentlemen how they rashly broach doctrines in the heat of debate, which may produce the most pernicious effects.—I shall first advert to that part of the bill, which affects the existing law of treason; and secondly, to the particular species of misdemeanor to which the bill is calculated to apply. First, the bill makes a conspiracy to do any thing that may tend to the king's death, to maim or to do him any species of bodily injury, to restrain and imprison his person, or to seek to make him alter, by force, the measures of his government, a substantive treason. These, by the 25th Edw. 3rd, are only made overt acts, of compassing and imagining the king's death. By the present bill they are made direct and substantive treasons. By the other part of the bill it is made treason to levy war, to overawe the legislature. the right hon. gentleman has asked, might not the people attempt to influence the decision of the legislature by the force of opinion, by the violence of prayer? He forgets that the bill does not preclude the people from any peaceable and legal mode of bringing forward their opinion, in order to influence the sentiments of the legislature: that it does not interfere with their right, or prevent them from carrying to their representatives, in decent and orderly language, their sense of public measures. The treason described by the bill attaches only to those who levy war in order to overawe the legislature. Will the hon. gentleman contend, that levying war has any connexion with that mode of expressing opinion, which is intended to influence the proceedings of a legislative body? The right hon. gentleman objects to the preamble, which, by the by he seems not to have attended to. He said, that he liked no preamble, which did not state truth. He affirmed, that the preamble made the attack on his majesty the foundation of the bill and contended, that though the bill purported to be for the security of his majesty's person, and the preservation of his government, it did not, in fact, tend to give to either any additional security. If the right hon. gentleman had gone farther, and read the latter part of the preamble, he would have found, that it was not so narrowed and confined as he has described; that it stated not only the attack on his majesty, as the ground of the bill, but also the seditious speeches and publications of evil-disposed persons.

In opposition to the right hon. gentleman, I maintain, that the provisions of the bill are calculated to give greater security to his majesty's person and government, and that the grounds stated in the preamble, are commensurate to all the objects which the bill has in view. In all times, when the person of the sovereign has been supposed to be endangered, a law of this nature has been passed. We are not now, for the first time, bringing forward a speculative act, of the probable consequences of which we can not pretend to judge, but we are adopting the salutary precautions of former times. Acts, of which this is a transcript, were passed in the reigns of queen Elizabeth, and of Charles 2nd. Elizabeth has been reproached as an arbitrary princess. It is certain that her life was threatened from many quarters. But how far is the charge that this act is a weak and inefficient measure, consistent with the description which has been given of her character? If she was an arbitrary princess, it surely is not likely, that where her own preservation was concerned, she should adopt measures inadequate to the purpose. The parliament of Charles 2nd has been accused with making many sacrifices to the throne. It is not therefore probable, that in the excess of their loyalty, they should have neglected to put a sufficient guard around the king's person. Thus does the reasoning of those gentlemen, so far at least as concerns the efficacy of the measure, retort upon themselves. Such laws having passed in different periods of our history, and having in no instance been found insufficient, we have a well-grounded presumption that they are calculated to afford security to the person of the sovereign. They apply directly the penalties of treason to that species of offence against the person of the sovereign, to which, before, they could only have circuitously been brought to attach. They constitute substantive treasons, acts which before could only have been brought to prove the criminal intention. But an instance yet fresh in our memories, will best illustrate the proposition. Supposing the person who threw the stone at his majesty to have been discovered and brought to trial, he would not have wanted an able and eloquent advocate to have pleaded, "that by throwing the stone he had no inten-

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tion of seriously injuring the person of the sovereign; that he was actuated by no deliberate, malicious purpose; that he was carried away by the impulse of the moment: that he meant by throwing the stone, only to mark more strongly that sentiment of indignity to his majesty, which excited the clamours of disapprobation among the surrounding multitude, and to express his own feelings of resentment from the continuance of the war." It is possible even that such a defence, dressed up with ingenuity, and enforced with the eloquence with which it would not fail to be supported, might induce an honest jury to pronounce a verdict of acquittal. The intention of this bill is to cut off the possibility of such a defence being made in extenuation of such an act, to remove from the offender all hopes of escape by subterfuge and evasion, and by making the remedy more simple, to diminish the danger.—But it was said, why not make a new declaratory law? It was necessary that the present should be an enacting and not a declaratory law, because it only made that which was already treason by the 25th Edw. 3rd treason under another branch, and to be laid in a different manner in the indictment. As to the present bill making treasons, which were not before known to the law of England, in contradiction to so injurious an assertion let me refer to the writings of lord Hale, and sir Matthew Foster. These venerable judges have given a history of the different statutes of treason, accompanied with their own comments. The object of the present bill is clearly to define the true meaning of the old law, which is now only to be drawn out of a long series of judicial expositions. It is in order to guard against all ambiguous and doubtful interpretation, at a time when it may be necessary to provide against a positive and immediate danger. Must not such be felt to be the case when a daring attack has so recently been made on the person of his majesty, and when the instance of the precise danger against which the bill is directed, has happened under our own eyes, and at the door of parliament? The bill also makes an attempt to overawe the legislature high treason. Need I prove the necessity of such a precaution, at a moment when there exist societies hostile to the authority and existence of parliament? Those societies, meeting under the specious pretext of parliamentary reform, and the right of petitioning, have employed a language which sufficiently shows how far these were their real objects. They have declared that the 558 gentlemen of St. Stephen's chapel may go about their business. They have taken every opportunity of vilifying the character of the legislative body, of expressing their contempts of its authority, and of showing how much they are disposed to usurp its functions, and, if possible, to annihilate its existence.

The right hon. gentleman has said, that he had never found that the lives of princes had been safe in proportion to the sanguinary laws and the severe punishments which had been instituted for their protection. I must remark that the present is no new sanguinary law, that it creates no extraordinary severity of punishment. If the right hon. gentleman thinks that the person of the sovereign is not rendered safer by the punishments which the law has devised for his protection, this argument goes to repeal all the existing laws of treason. But he chooses to appeal to the example of former periods of the history of this country. He asks, whether, notwithstanding the excessive loyalty of the parliament and the extreme vigour of the laws, there were not some real plots in the reign of Charles 2nd, besides the sham plots that were brought forward to serve a particular purpose? That in the course of that reign the parliament made many shameful concessions, I am ready to admit; but I can by no means allow that it was a blind indiscriminating spirit of devotion to the monarch which gave rise to the act of which this bill is the counterpart. Neither can I allow that those persons who were concerned in effecting the Restoration, left principles altogether out of their view, though, perhaps, they neglected to employ some precautions which it would have been wise and proper to have adopted. In order to prove that some regard was had to principles in the act of the restoration, it is only necessary to refer to the history of the times, and to the persons concerned in that event. The earl of Clarendon and those who were connected with him, were not men entirely indifferent about the English constitution, or likely to be parties in a transaction, where its principles were entirely left out of contemplation. But with respect to this particular act, we have the sanction of the venerable name of serjeant Maynard, who was one of the persons then employed in framing the bill

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for the security of his majesty's person. Immediately after the Restoration this truly constitutional lawyer said, "That except for that event he had been on the eve not only of surviving lawyers, but the laws."—[Mr. Pitt was reminded that these words were spoken not after the Restoration, but after the Revolution]—I admit my error—these words were spoken after the Revolution; and is it likely that the venerable person who during the course of a long and honourable life, had preserved his attachment to the constitution, should have so entirely have forgotten its spirit, or departed from its principles in framing that bill, so frequently referred to in the discussion? But I will ask the right hon. gentleman, does he attribute the plots in the time of Charles 2nd, to the adoption of new laws, and the unusual severity of punishments; or does he not rather attribute them to the repeated breaches of law committed by that monarch, and to the attempts which he made, at different periods of his reign, to govern without a parliament? Among his other allusions to history, the right hon. gentleman refers to the reign of Robespierre. He asks, whether that tyrant derived any security from the system of terror which he employed as the engine of his government, and which he supported by a large military force? I appeal to the House, how far this allusion can, with any propriety apply to the present discussion? I appeal to the House, how far the question, whether a lawless, wanton, and barbarous system of proscription and carnage, is calculated to afford security to the tyranny from which it originates, can possibly bear a comparison with the effect of those regulations which we are now employed in enacting for the security of his majesty's person, who is the object of the affections of his people, and for the preservation of that government, which is the best pledge for their happiness?

I shall now very shortly advert to that part of the bill which relates to misdemeanors. The first question is, whether, in any possible case of misdemeanor, transportation is a punishment which ought to be left to the discretion of the court? Misdemeanors are undoubtedly of very different sorts, and unless they can be marked out and graduated by some scale of legislative regulation, it is necessary, that, in adjusting the punishment, something should be left to discretion. The misdemeanors against which the present bill is directed, are of the most serious description. They are those offences which are productive of the worst consequences which militate against the welfare of the whole community, which are calculated to disturb the order, and interrupt the tranquillity of society. If we look to the ordinary operation of law, and compare the species of misdemeanors described in this bill, with other offences which are at present punishable with transportation, I appeal to the House whether those offences, either in point of moral guilt, or of public danger, are to be compared to the acts against which this bill is calculated to guard. The right hon. gentleman has descanted on the hardship of the sentence of transportation, and talked of the compassion due to individuals, who from having been placed in a better situation of life, have been doomed to experience its rigours. That it is a sentence at all times severe in its operation, I cannot but admit; and that it becomes more peculiarly so when the person who is its object, has beeen placed in a respectable and comfortable situation. But while we feel compassion for this individual, we must recollect, that, as legislators, there is a duty we owe to the public paramount to every other consideration. I have only to call upon the House, to consider what is the description of offence against which the punishment is directed. It is not to apply twice to the offence that may have previously been committed, but to the second instance of offence after conviction. An objection was started, that the crimes comprehended under the present bill, was of a description of the nature of which it was not within the province of a jury to judge. My learned friend (the attorney-general) has stated to the House what is his own practice. He had always left to the jury to decide, whether the innocent cause assigned was the real motive of the action. But in stating this, he stated not only that mode of practice which is conformable to the liberality of his own sentiments, but which is sanctioned by the liberal spirit of tha laws of England. There is no legal privilege which may not be made the pretext to cover the most illegal actions. I must particularly remark, in order to obviate misrepresentation, that nothing is made a crime by the present bill which was not before criminal, and subjected to a severe punishment by the common law of England.

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The question being put, "That the said bill be now read the third time." the House divided:

TELLERS.

YEAS	Sir William Young - -	226
	Mr. John Smith - - -	
NOES	Mr. Jekyll - - - -	45
	Mr. Whitbread - - -	

The bill being read a third time, Mr. Sheridan proposed a clause by way of rider, the purport of which was, to take away the arbitrary power of the judges in Scotland, and to declare that they should not be able to transport persons for sedition for more than seven years. Upon which the House divided: Yeas, 27; Noes 184. The bill was then passed.

Debate in the Lords on the Seditious Meetings Bill.] Dec. 9. The order of the day being read, for the second reading of this bill,

Lord *Grenville* said, that he had, on a former day, introduced a bill for the better security of his majesty's person and government, which had met with their lordships approbation. On that occasion, he had thought it incumbent on him to state, that it was one of the measures which government intended to bring forward to guard the constitution and protect the liberties of the country; but it would be imperfect if not followed up by another bill, which was more immediately calculated to meet the evils they were intended to remedy. That other measure was the present bill, which had been received from the other House, and was then brought forward for their lordships discussion. The present bill was therefore to provide for what the other bill did not contain. He considered the present bill as part of a system for suppressing an evil, that not only threatened the security of the subject, but menaced the very existence of the constitution. The system to overthrow all order had been gradually proceeding for three years. The fact was notorious. Their lordships, on a former occasion, had declared by their vote the existence of a conspiracy; the parties were brought to trial. But since that period had they abandoned their errors? On the contrary, no sooner were the temporary checks removed, than the former business was resumed, and new designs put in motion. Meetings had repeatedly been held; the same abominable principles were inculcated and diffused. An effect of these doctrines and attempts had lately been exhibited in the attack made upon the sovereign, which had excited universal horror and indignation. The necessity of remedying these evils was already recognized. What had already been done, was only affixing a severer degree of punishment to particular offences; it was next necessary to employ legislative measures of prevention, and to strike at the root of the evil. These self-erected societies had spread themselves and their poison throughout the country: they had succeeded in availing themselves of the privileges of our free constitution to destroy its existence. Could their lordships forget that, through the machinations of similar societies in France, the sovereignty was reduced, the king hurried to prison, and from that prison led to the scaffold? After all these enormities, the conduct of the French became the subject of approbation to the societies in this country; and addresses, in which the hopes were expressed of a speedy revolution in this country, announced their wishes and their designs. It had been said, on a former occasion, that the laws guarded against these principles; their lordships were, however, convinced that was not the case; he therefore found himself justified in saying, that new and adequate remedies must be used to destroy an evil of such magnitude. With such an evil it was perhaps impossible effectually to contend, without appearing to encroach upon the privileges of the people. Even were this true in a considerable degree, it was worthy of the wisdom of the legislature, worthy of the generosity of a great nation, to sacrifice a part of the constitution to preserve the whole. He was very ready to admit, that many persons in various parts of the kingdom had sent up, both to this and the other House of parliament, their sentiments against this bill; but he verily believed, that the greatest part of them had been led so to do from a total misapprehension of its tendency. One strong ground of objection was, that the bill went to prevent meetings to consider upon public measures, than which nothing could be more contrary to the fact. It was undoubtedly true, that the people had a right to meet for the purpose of discussing public measures; but then it was equally true that those meetings should be called by the lords lieutenant of counties, the mayors of corporations, or other official persons; and this right would not be infringed upon

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by this bill. It only went to prevent seditious meetings similar to those which had taken place round the metropolis. Their lordships very well knew what were the principles of the societies which formed those meetings, and what were to be dreaded from them. They had now arrived at such a daring pitch that some new law was necessary, which might intrench, in some small degree, upon the Bill of Rights. All that was required under this bill was the presence of a magistrate, who, if he heard any one endeavour to excite the people to sedition, was to be invested with power to arrest the person using such seditibus language. This was the whole in fact, for he was not empowered to put an end to the meeting, unless his authority was disputed, and rescue attempted. If resistance was offered, he was then to order the assembly to disperse. Should this endeavour fail, he was then to have recourse to such means as the act empowered him to make use of. The act made such resistance, after proclamation, death without benefit of clergy.—Another part of the bill went to the regulation of political debates and lectures. He had not the smallest objection to a man of ability making advantage of his talents, in explaining to his countrymen the principles of our constitution; nay, he thought it praiseworthy so to do; but he could not see why that man should not be subject to a licence from a magistrate, any more than almost every other person who appeared before an audience. The stage, it had been thought requisite to put under severe restrictions; and he could not see what hardship there could be in putting places of this description under the cognizance of a magistrate.—Such was the whole effect this bill was to have, which had been misrepresented as calculated to sap the foundation of British liberty. In all periods of our history, instances were to be found of the evils arising from tumultuous assemblies; and experience must show, from the frequency with which they were now held, the absolute necessity for their suppression.

The Earl of *Derby* said, he felt himself bound to oppose the bill. He had been educated in whig principles, and the experience of maturer years had confirmed the impressions of youth. He had been accustomed to look back to the Revolution, as an event which established the principles of liberty in our constitution, and placed the foundation of the throne upon the right of the people. At that period, the privilege of petitioning was demanded and received as a right essential to the people; and any attempt to take it away, Englishmen ought to withstand. As to the necessity for the bill, where was the proof of it? The notoriety of facts in common life might, perhaps, be safely trusted; but was it prudent to act upon it in affairs of such infinite importance? It was said, that the societies in the metropolis adhered to their original principles. He was not acquainted with any person belonging to these meetings, and he disapproved highly of many publications in circulation; but he judged them from their own declarations. They complained bitterly that their intentions were misrepresented. It was maintained, that they did not mean what they said; that when they mentioned reform they meant revolution: when they spoke of equal laws they were accused of wishing to effect equality of rank and of property. They desired to be judged by a comparison of their actions with their words, and challenged their enemies to point out an inconsistency. It was not his business to reconcile these contradictions. But were all the charges imputed to these societies, proved, his opinion of the bill would not be changed. He could not think of punishing the innocent many for the guilty few, nor give up the rights of the people because the general principle was abused. He disapproved of sedition. But were the laws for the suppression of it insufficient? Was sedition unknown to this country? Was there not sedition and discontent in the days of king William and queen Anne? Was not the principle of their government arraigned and their persons endangered? Were there not afterwards powerful factions and open rebellions. But did they ever, in the moment of real danger, think of such a measure as this? Did they ever attempt to impose a restraint upon public discussion? No. They placed the government on a firmer basis—upon the love, not upon the fear, of the subjects. They sought not to introduce any new law, but were contented by the prudent exercise of the power placed in their hands, to check the evil and remove the danger. If the laws, then, were sufficient, were not ministers chargeable with supineness in not employing them? Was he not entitled to conclude that they allowed sedition to increase, that they might find a pretence

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for new laws, by which they might shackle the liberties of the people. He would not jumble the two bills together, but he would say that their principle was the same. But still were there no laws? Was there not imprisonment? Were there not fines? Had not lord George Gordon perished in gaol, to the disgrace of the laws of this country. Was not the case of Mr. Walker of Manchester a sufficient proof of its severity? Would it, then, be said that no adequate punishment existed for sedition? If the punishment once exceeded the received opinion of the crime, magistrates would be averse to present for trial, and juries would be slow to convict. Of this the Statute book afforded a variety of instances. Did not the severity of the game laws defeat their own operations? Were not many of the acts against Catholics a disgrace to our code? Did not a great part of the riot act come under the same description? With regard to the principle and clauses of the bill, he was supported by great authorities when he gave them his pointed disapprobation. That the kingdom at large was averse to this bill, appeared from the numerous petitions against it. As to magistrates, he had himself been curious to learn their sentiments, and with this view had applied to some of the most respectable men, who sat upon the bench. Their uniform opinion was against the bill in general; but more particularly that part of it which assigned to them such a share in the execution of it. When this bill was first introduced by the chancellor of the exchequer in another place, the cloven foot had too soon appeared, and he had been forced to admit various qualifications. The change in the duration of the bill was no great subject of consolation. The people who would submit to be deprived of their rights for three years might be easily reconciled to the utter deprivation. He that would be a slave even for an hour, had lost the ardent principle of freedom. Was such a man capable of feeling the glorious energies of liberty, or of struggling for the preservation of it?

Erit ille fortis,
Qui lora restrictis lacertis
Sensit iners, timuitque mortem.

When chains were once imposed, might not the minister come with some affected pretences and artful colouring, to prolong the period of servitude till the principle became familiar to the mind? Were not all attacks upon liberty progressive? Those who would submit now to give up part of their right, might be cajoled at some future period to a surrender of the remainder. The riot act, according to Blackstone, had first been introduced in the reign of Edward 6th, had been revived with limitations under the bloody reign of Mary, from which time it had slept to the reign of George 1st, when it was adopted for the security of the family on the throne, after receiving many additions and creating new crimes.* Upon the riot act he would state the opinion of Mr. Pulteney. He says, "That he repented of having given his voice for the passing of that law, but his zeal for that family, to which no one could doubt his attachment, had transported him beyond the bounds of propriety. Was passive obedience, he would ask, to be established by law in that government, which had been founded by resistance? Englishmen could no longer be called a free people, if a serjeant at the head of a number of hirelings, was entitled to disturb their assemblies, and expose them to military execution."† Such was the opinion of Mr. Pulteney, which he had stated to show the danger of a precipitate zeal. What severe reflexions would it not produce, should a period arrive when many of their lordships, who acted with the best intentions, repented that they had given their voice for the present bill? God only knew what would be the event of the present measures! He ardently hoped that the present ferment in men's minds would subside without violence or disorder; but he should hardly think these greater evils than the sort of apathy, and disregard of all future attacks, which he feared would be the consequence of seeing their present remonstrances treated in the manner they had been. If this happened, we might indeed retain the forms of the constitution, but the essence of it would be lost for ever, and every spark of freedom would be extinguished. In opposing this bill he thought he did an act which was acceptable both to God and man.

The Earl of *Westmoreland* said, he was willing to share in all the opprobrium which had been cast on the framers of these bills. The relation between the governors and governed was such, that what

* See 1. Blackstone's Commentaries, 142.

† See Mr. Pulteney's speech on Mr. Bromley's motion for the repeal of the Septennial Act, Vol. 9, p. 470.

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the latter gave in allegiance, the former repaid in protection, and that protection was best insured by the preventive measures included in the present bills. There were ambitious men holding nightly meetings to inculcate invidious distinctions between the rich and the poor, for no other purpose than to gratify their own rapacity,

"Ut jugulent homines surgunt de nocte latrones."

Against such men restrictive measures were necessary. Many were taught to clamour for peace, as the only mode of lowering the price of provisions. But the high price of corn was certainly not owing to the war. The best way of having plenty would be for merchants and farmers to mind their business, instead of attending schools of sedition. It would be better to compel the people to attend to the loom and the anvil, than to suffer them to waste their time and money at seditious meetings. His lordship entered into a history of precedents, all tending to justify the present measures, and concluded with observing, that the opposition which had been made to the bills, was the greatest proof of their necessity.

The Duke of *Norfolk* was of opinion that the bill would destroy the power of petitioning. It went to forbid all popular meetings, unless convened by certain magistrates. How little reliance was to be placed on the assent of those magistrates appeared in the conduct of the sheriffs of York and Northumberland. The remedy, in his opinion, was worse than the disease: the real object of the bill was to establish a state inquisition in the country.

Lord *Boringdon* observed, that the evil which was likely to result from the societies had been much called in question. He did not wish to criminate any set of men by unjust inferences, or by vague and unwarranted assertions. He would, with their lordships permission, read to them, not extracts from anonymous pamphlets, or scraps from the speeches of individuals, but distinct resolutions proposed and passed within the last six weeks by the London Corresponding Society in the open air, and with the acclamation (as they industriously asserted) of one or two hundred thousand persons. He then read several of the resolutions lately passed by the London Corresponding Society: the last on which he commented stated the late harvest to have been very abundant, and the scarcity to be entirely a fiction, and to arise wholly from the corrupt state of the parliamentary representation. He asked, whether the highest criminality would not attach upon any government which should neglect to put an effectual stop to proceedings of so dangerous a nature? Was there such a thing heard of in the world as a government tolerating the idea of any association whatever assembling one or two hundred thousand persons whenever they pleased, and telling them that all government was tyranny and usurpation? Did noble lords think the societies entitled to the care and tender regard of government and the public? Such could not be their opinion. The opinion of all thinking men must be, that these clubs had uniformly displayed industry as indefatigable, art as refined, and ends as abhorrent from every principle of real liberty, as ever combined to rear their heads against state or country, since the establishment of civil society in Europe. That the danger was less, because the societies had existed two or three years, was a proposition which no noble lord could seriously maintain. He fervently prayed that the measure might prove efficacious.

The Marquis of *Lansdown* admitted the existence of a system which struck at all civil society, and was upon principle the enemy to every legitimate government. He alluded to the Jacobin Society in France; and when such a society had received the applause and the affiliation of certain assemblies in this country, it was a debt of candour against prejudice, so far to do justice to any minister, as to admit a strong and rational ground of alarm for the safety of the state. He had put himself in the place of the ministers, and thus situated he should say, that these popular societies were undoubtedly an invention very formidable in its nature. Their mode of proceeding, by association and affiliation, was a discovery of as much moment in politics, as any that the present century had produced in any other science. It was not a mere puff of wind to be passed by in silence. It was a serious matter to see, that an obscure individual by these means could obtain a wide scope of power, and even possibly avail himself of the physical force of a great mass of the people. He was of opinion that some precaution was necessary, and these admissions, he trusted, would at least be sufficient to exempt him from the charge of Jacobinism.—But the present bills ap-

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peared to him greatly to overshoot the mark. The circumstances did not warrant such an inroad on the constitution. These meetings were of two kinds. Either they were idle in themselves, and might safely be suffered to evaporate; or they were excited by serious grievances. In the latter case, no force could subdue them, and they were to be dispelled only by an adequate redress. An able physician once remarked to him, that it was easy to dispel a local swelling; the only difficulty was to say where it would next make its appearance. No man could deny but that grievances existed, and that the principal one was in the defect of our representation. Our constitution had wonderfully maintained its ground, even after the theory on which it was founded had been given up. He had never been a party man, and therefore was to be understood in all he should say, as expressing merely the sentiments of an individual. He had two objections to party; one was, that, if he attached himself to any set of men, it would necessarily follow that at times he must submit his opinions to theirs, and this he disliked; the other was, that he thought there was a something in the idea of voting with party, naturally and necessarily corrupt. But though no friend to party, as it tended to hamper opinions, he must in justice say, that party had in a great measure supplied the defects of the theory of the constitution, and for two reigns had checked the growing power of the prerogative. A change was now arising, not owing so much to men, as to the perpetual tide in human affairs. In regarding this change, it was necessary for them to take care that one branch of the constitution did not trench on the rights of another.—When he looked at the composition of the legislative powers, he saw them divided, generally speaking, into two bodies; one constantly voting on the side of the minister, and the other as uniformly voting with the party termed the opposition. From hence resulted a false inference, that the act of the minister was the wish of the sovereign, and that he who should oppose any measure of the former was in personal opposition to the latter. But if this was an error on the side of the government, there was an error perfectly correspondent on that of the people; they not unfrequently attributed to the principles and designs of men, what, in fact, were measures attributable only to the state of affairs. In the present criterion, therefore, what was to be done? When the assertion had been made that this was no fit moment to bring forward any such question of grievance as he had described, he agreed to it; but because, by the violence of persons cherishing French principles, the security of the constitution had been menaced—in their care for a particular part, it was not the less incumbent upon their lordships to be watchful that no one branch invaded the rights and privileges of the other—and he could not but see of late many alarming strides of prerogative manifested in the measures submitted to that House. Admitting, as he did, therefore, the expediency of some measure, the query naturally presented itself, whether there might not be found one less violent than that which was now proposed? He had not heard one defender of the present act, who did not confess that it was an invasion of Magna Charta and the Bill of Rights. By those were recognized and established the right of petition and the right of discussion. He confessed the contemptible nature of many of the petitions and papers of the societies alluded to; and noticed the assertion that the present measure was grounded upon precedents. Some of these were taken from the reign of Elizabeth, and great and glorious as her reign confessedly was, yet the consideration that she inherited the arbitrary sentiments of the Tudor line, was a sufficient reason why precedents should not be drawn from her reign. If ministers were fond of her reign, why not copy the general policy of that wise princess, and not partially and obnoxiously? Mr. Hume said of that sovereign, that by adapting all her measures to the spirit of the times, she succeeded in raising the country to a state of unequalled glory and happiness. Why, therefore, did they not copy her economy, recollecting that she gave up her jewels, and was content to alienate even a part of the crown lands, rather than lay any oppressive and additional burthens upon the people? There was another, and a still stronger instance of wisdom in her conduct touching the Reformation. We should look at the temper she displayed in the management of religious prejudices, and apply it as a rule for our conduct in the present emergency: for the American and French revolutions evinced that men would go equally far upon the impulse of a civil as a religious

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enthusiasm. She held with a prudent hand the balance between the catholics and the protestants: and such a prudent equipoise, with respect to politics, would be much preferable to the present violent measures. It was by taking this judicious medium, that she preserved for us that moderate church, which it was our pride to possess; which he trusted would last as long as the constitution itself; and that both might descend honoured and revered together to the end of time. But if the particular precedent from the reign of Elizabeth was exceptionable, still less would any precedent apply drawn from the miserable reign of Charles 2nd, every year of which was marked with violations of the true liberties of the country. He then considered the plea of necessity, and whether the existing laws were not sufficient without the introduction of any innovation. He believed no lawyer would say that the existing laws was not adequate to the punishment of any offences with which the societies were charged. If the laws were not adequate, they should be invigorated. He appealed to lord Thurlow, who, though he did not now wear a black coat, or hold a purse in his hand, would be pretty decisive evidence as to the law. That fresh laws were unnecessary was proved from the circumstance of the conviction of Mr. Yorke, who was at that moment in confinement upon the existing provisions. If his seditious words were thus easily come at, why not those of Mr. Thelwall, if he had really spoken them? He knew of nothing so peculiarly flagitious in the assertions of Mr. Thelwall, as to call for any peculiar punishment. He had said that the opposition were as bad as the ministers. This was an assertion that nobody would quarrel with. He had affirmed also, that the minister was the greatest apostate of the age. Now it was a fact pretty notorious, that Mr. Pitt had gone once as far as any man in the doctrine of parliamentary reform. He had talked of the immense salaries paid to Mr. Pitt's family. What these are, said the noble marquis, I cannot say; it is an affair of arithmetic: but if Mr. Thelwall's mouth was to be stopt, it could certainly have been done without the aid of the present bills. But was Thelwall the only man who spoke those unwelcome matters? He remembered reading a paper some time ago in the Morning Chronicle, to which was affixed the name of a most respectable gentleman, Mr. Thomas Law. That gentleman had joined the Crown and Anchor Association, when it professed impartiality. He left them when they began to act on anonymous letters, and when they had resolved that their chairman, after consulting with the Attorney general and the solicitor to the treasury, was competent to institute any prosecution. It was not surprising, if, after this specimen of club government, Mr. Law sought a refuge in America. It was only wonderful that Mr. Reeves had since flourished in the way he had done. He could not, however, believe that any noble lord could come forward as the defender of this man, Reeves, and retain a person of such principles in his office.—In his opinion, nothing like proof had been adduced of a plot against the person of the sovereign. It was impolitic to excite such a jealousy between the king and his people. The noble marquis declared, that had he the honour to be one of his majesty's cabinet, or had he the still higher honour to style himself the friend of that royal personage, he should think it his duty to advise him to come down to that House, and by giving his dissent to these bills, ensure greater popularity than had attended any action of his life. That would, indeed, be a glorious day. It would tend more to the safety of his royal person than a thousand such acts of parliament. If these bills passed, and were not executed, it would infallibly subject them to contempt. If they were executed by the stipendiary magistrates, they must be bold men, to act upon the exercise of so broad a discretion, as that with which they were invested upon the mere guidance of Burn's Justice. God Almighty, in his donation of human faculties, usually accompanied great warmth and intemperance with a deplorable want of judgment. When this was considered, was the discretionary power to be safely reposed in hands so liable to be corruptly influenced or wrongly directed? What he dreaded was the general gloom which these bills would spread over the people. They would tend more than any thing to destroy that happy union of the lower with the higher classes of society and arm the different orders with animosity against each other. They would destroy that free spirit of Englishmen, which had been the real cause of the energy of our national character, and of our prosperity and wealth. Peace and reform were the

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only two things which could save the country. He hoped that the country would not be lulled into a false security, and suffer these bills to exist.

Lord *Mulgrave* said, that the noble marquis had admitted the existing danger, but had urged that the present bills were unconstitutional. In this he differed *toto cælo* from his lordship. He entered into a history of the precedents, and insisted particularly on the act of the 13th Charles 2nd, forbidding the solicitation of more than twenty names to a petition. This, he said, was not repealed by the Bill of Rights; and it had been so ruled by the judges on the trial of lord George Gordon. The present bills, therefore, which met the necessity of the times, did not go beyond the existing laws.

The Earl of *Moira* said, that for all honest purposes the bill was superfluous. As the law stood before, a magistrate present at any meeting, where it should be asserted, that grievances might be remedied by other means than through King, Lords, and Commons, not only had the power to interfere, in all the extent authorized by the new bill, but he would have been subject to prosecution, had he not interfered; for the words would have been treasonable in the individual using them; and had they met the apparent concurrence of other persons present, the meeting instantly became a treasonable assembly. Hence I regard this bill as a direct infraction of the constitution. I admit that the affectation on the part of the London Corresponding Society, of adopting all the forms and phrases which distinguished the Jacobin Club, rendered the society a proper object for the vigilance of government. Punish as many of the members of that society as shall individually offend against the laws; as to their absurdities, they are not the objects for penal infliction, and will be best chastised by the ridicule of the public. But if I would not have the mass of that society punished for the transgressions of a few of its members, much less can I pronounce, on account of the imputed offences of the Corresponding Society, a sentence of privation from just rights against the whole people of England. It is in vain to say that the right in question is still to exist, but only qualified. A qualified right is a solecism: a right may have certain bounds; but within them its exercise must be at the free will of him who possesses the right. The new bill, leaves a mere privilege to meet under the good pleasure of a magistrate. It is a degrading permission, the acceptance of which declares the absence of all right. Now, here my unconquerable objection to this bill is brought to a point. This very right is such as from its nature must continually be asserted in every community that holds itself free. Admitting the extenuation pleaded, namely, that the bill only restricts the right for a certain time, and in a certain degree—if parliament can remove the land marks of the constitution for a short way, it may remove them entirely. One favourite assertion in behalf of the measure was, that those who opposed it deserted their sovereign: an assertion, which ministers used upon many other occasions, and by which they had deprived the king and the people of the best of services, and terrified or seduced many well-meaning persons into a support of their conduct. The greatest service which it would be in his power to render his majesty, would be to advise him to withhold his assent from the bill.

Lord *Thurlow* began with noticing the variety of misconceptions that had taken place respecting the bill, and in no particular more than in the idea that it trenched upon that important principle of British liberty established by the Bill of Rights, the right of the subject to discuss public grievances, to petition, complain, or remonstrate, or otherwise address the king, or either or both Houses of Parliament respecting them. So far from that being the case, the bill set out with recognizing that principle in the plainest and broadest manner. Much had been said with respect to the different modes practised to obtain petitions for or against the bill: long experience had taught him that on occasions where considerable difference of opinion prevailed, and both sides were equally eager in supporting their own opinion by every possible means, a good deal of misrepresentation would be resorted to. Perhaps, therefore, the fairest way of considering the degree of weight due to the petitions in general was, to hold that the petitions on one side of the question, were as much to be relied on as the petitions on the other. He could not concur with those who argued, that the consequences that had arisen from the propagation of Jacobinical principles in France, afforded a sufficient justification for the legislature of this

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country to enact new laws with a view to the prevention of similar effects here. He thought they had nothing to do with what had passed in France, as far as related to any influence it ought to have on their proceedings in parliament. It was their duty to govern their conduct in legislation, with a view to such laws as were expedient and necessary to the good order, the well-being and the happiness of the people. The contrary doctrine was not only unfair in principle but impracticable in itself, as the genius and character of the two nations were extremely dissimilar, and it was idle to suppose that the two countries were to be governed in the same way. The doctrine was, besides, somewhat insulting to Englishmen, whose loyalty was not more general than sincere and ardent, and who were more likely to be induced by the horrors experienced in France, to abstain from excesses that might lead to the same consequences, than to make the conduct of the French the model of their imitation. With regard to what had passed in the societies alluded to, that was a matter of which he professed to know nothing. If they had distributed seditious papers, the present law would reach them with a sufficient severity of punishment. The case, however was, in his opinion, not precisely the same, in point of mischievous effect, with respect to speeches delivered at popular meetings. Whenever he heard of a speech made before 30,000 persons, the first thing that occurred to him was, that it was impossible that one thirtieth part of the audience could hear it. No great apprehension need, therefore, be entertained of the danger likely to result from such harangues; but writings or printed papers might be circulated throughout the kingdom, and read again and again till the poison worked and produced those consequences most to be dreaded. He would therefore have the laws in being enforced against libellous and seditious writings, and he had no doubt they would be put an end to. The speeches in question he could suppose were insolent and impertinent, but were they so dangerous as to call for the present bill? It was the glory of the English law, that there was no previous restraint on the people in the exercise of the important privilege of meeting to discuss grievances and petition parliament respecting them. That privilege stood precisely on the same ground with the freedom of the press. Its use was free and unrestrained, but its abuse was open to punishment. Had it been otherwise the freedom of the press instead of an advantage, would have been the most intolerable tyranny. Montesquieu, in his Spirit of Laws, said, that the existence of freedom in England depended on the freedom of petition, and the freedom of the press. If the people feel the pressure of particular laws, and are not at liberty to petition for their redress or remonstrate against them, they are slaves indeed. To declare, therefore, that "the people have nothing to do with the laws but to obey them," was as odious as it was fallacious, and when he said that, he by no means intended any reflection on the right reverend prelate, who in the course of a recent debate had made use of the expression; the handsome, manly, and liberal explanation, which the right reverend prelate* had since given of his meaning, not only reflected the highest honour on his good sense and candour, but cured the declaration of all possible exception. —The people had an undoubted right to interfere with the laws in the manner prescribed by the Bill of Rights, and recognized by the present bill; as far, therefore, as that went, the bill was unobjectionable, but it was what followed that was to be deprecated. The restraints it threw around the exercise of that constitutional right which it broadly acknowledged were alarming and dreadful indeed. The bill, therefore, was to be objected against as establishing a bad precedent under countenance of which a variety of bad laws might creep into the state, and defile the pages of the Statute book. He recollected that in 1782, when a motion for a reform in the parliamentary representation had been rejected in the House of Commons, and the previous question moved upon it, the people were immediately informed by men of celebrated characters, and popular weight in the country, that their petitions had been rejected by the mode held most obnoxious, as the means of getting rid of a question of importance, and were called upon to meet in districts, and to discuss the best means of rendering their application to the House more successful; but it was not then contended, that their intention was to overawe parliament, or do more than to awaken in the people a due attention to a subject that involved their dearest and most invaluable rights. He recolleoted

* The Bishop of Rochester. See p. 267.

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also, at the time when Mr. Wilkes was declared incapable of sitting in the House of Commons, though returned again for Middlesex, some people who were zealous in his cause went so far as to declare that no resolution of the House would be binding, and no act would be in force whilst Mr. Wilkes remained excluded. At different times he had heard doctrines broached and insisted on, that were equally extravagant and alarming, but he did not remember to have ever once heard it hinted that such bills as the present were necessary to restrain them. The power and extent of the existing laws had always hitherto been deemed sufficient for the correction of abuse, the punishment of offences, and the prevention of danger.—The bill was liable to such objections in the wording of its clauses, that it either betrayed great negligence in those who drew it up, or afforded suspicion of its originating in an awkward motive. The distinction taken between the different species of public meetings, was at least novel. It gave great powers to justices, and though it recognized the right of the people to meet in order to discuss grievances, and petition, it surrounded the exercise of that right with restrictions equally unprecedented and severe. It mentioned descriptions of magistrates and meetings which he could not comprehend the meaning of. What officer was the convener of a county in Scotland? and what was meant by a county meeting? A meeting might, indeed, be held in a county, but it could not be styled the petition of this or that county; the House always received it as the petition of those individuals who annexed their signatures to it. The powers given to the justices under this bill were novel, and liliable to serious abuse. It would be stupid in the House to say that any body of men were immaculate. The bill gave magistrates the power of taking all persons into custody, "who should hold any discourse for the purpose of inciting and stirring up the people to hatred and contempt of the person of his majesty, &c. or the government and constitution of this realm, as by law established." If those words were allowed to stand in the bill, there was an end at once of all discussion with a view to parliamentary reform. How was it possible in agitating that question to forbear mentioning the inequality in point of importance, inhabitants, &c. &c. between the county of Yorkshire and the borough of Old Sarum, without derision and ridicule, which might by an ignorant magistrate be construed "to incite hatred and contempt of the government and constitution, as by law established?" and, acting upon that misconstruction, he might take the party into custody and dissolve the meeting. It had been said, that if the magistrate exceeded or abused his authority, he was liable to punishment; but under what circumstances would a prosecution come into court upon such an occasion? The prosecutor would come into court with a halter about his neck, and no man surely would risk the carrying on such a suit, unles he had a mind to be hanged.—His lordship pointed out the distinction between the extent to which the provisions of the bill went, and that of the provisions of the act of Charles 2nd, and that of George 1st, commonly called the Riot act. By the latter, the persons assembled for an unlawful purpose, did not incur the penalty of felony unless they continued together riotously and tumultuously for one hour after the act had been read; by the present bill, if an assembly met for the mere discussion of public topics, continued together peaceably to the number of twelve or more for one hour after proclamation made, commanding them to disperse, they were guilty of felony, and the magistrate was ordered to put them to death, or at least saved harmless, if upon resistance any of the persons so continuing together lost their lives. This, therefore, was in his mind an insurmountable objection to the bill. But, exclusive of this grand objection, the authors of the bill seemed to have paid no attention to the explicitness of its clauses; in the language of special pleaders, they had failed to "hit the bird in the eye." A penal law should always be clear and explicit, whereas the language of the bill was peculiarly vague and inconclusive. Therefore, although the bill recognized the right of petition, and affected to guarantee that liberty, it was at best a liberty in fetters. He sincerely wished that any essential abuse of liberty should be punished; but the offenders should be punished in their proper character, and not degraded to the description of felons, without any necessity sufficient to warrant so severe a change of situation.

The *Lord Chancellor* said, the greater part of the learned lord's speech was a strong argument in favour of going into a committee, when the clauses might be debated, and any alteration thought neces-

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sary might be made: at present, the principle of the bill was the sole object of their consideration. The learned lord had said, that the legislature of this country ought not to let what passed in France influence their proceedings. He, on the contrary, maintained the necessity of observing it as a general rule. The learned lord had also said, that the genius and character of the two nations were dissimilar, and that it was absurd to suppose that the subjects of both could be governed by the same laws. Upon that principle he had refused to take a salutary warning from what had passed in a neighbouring kingdom. Was man so different from man on the different sides of the Channel, that similar associations in each, professing similar principles, assuming the same forms, and affecting the same style and terms, were not likely to be attended with similar effects? Would the Protestant divines of England declare that they apprehended nothing from the avowed Atheism and scandalous prophaneness practised in France? Would prudent politicians see no danger in the general confusion which would necessarily result from the propagation of doctrines and systems of government destructive of all order, all subordination, all property, all security, and all happiness? Would the learned lord venture to assert that they ought to remain supine in the midst of the tribunes of the London Corresponding Society—in the midst of seditious and inflammatory harangues, and libellous pamphlets and papers? The most vigilant government could not keep pace with the actions of that society in this country: heap prosecutions on prosecutions, there would be no use in it. It had ever been the practice of wise governments to anticipate and supersede, by preventive regulations, in order to render the evil impracticable. He was no enemy to the liberty of the press, so truly described by the learned lord; at the same time he must observe, that the libels that had issued from it went beyond all bounds, and that it was lenity to introduce preventive laws. The London Corresponding Society called for a reform, when it was clear a revolution was their object. What had been the atrocious nature of the hand-bills distributed by the society? They described the constitution and government as a monarchy, but not a monarchy limited and free. The House of Lords they pronounced useless, the Commons corrupt, the judges corrupt, and recommended to strike out of all the records the word monarchy, and insert commonwealth. According to them our laws were absurd; and all indictments drawn up in the king's name were infamous libels, and insults on the people. When they come to state what they mean by reform, and bring forth their plans, they then tell us of universal suffrage; that is, the universal, indefeasible right of men, which cannot be bartered away. In order to reform, they say, you must put an end to boroughs and corporations, and divide the kingdom into factions. Does not all this tend to involve us in the miserable state of France? Experience had shown that the existing laws were not sufficient to put a stop to the evil; and thence arose the necessity for the present measures, which, he must contend, did not exceed that necessity.

The Earl of *Lauderdale* said, he considered this measure as chiefly dangerous, because it was connected with a system of encroachment, of which every step ought to be watched. One encroachment was only intended to pave the way for another. It was said that this bill was meant only to last for three years. But did the House believe that ministers would stop there? At the expiration of the three years, it would be contended, that these measures had been attended with no danger to liberty; and some measure of a complexion still more arbitrary would be proposed. He considered the bill as not so formidable in itself; for its absurdity defeated its mischief. It was chiefly alarming, because it broke the grand line of demarcation, and paved the way for measures still more dangerous to the liberty of the subject. For what purpose could a stab be aimed at the vitals of the constitution, except with a view to its utter destruction? So much had the right of petitioning been respected in former times, that it had even been determined that petitions containing libellous matter, and libellous hand-bills distributed at the door of the House, should not be prosecuted. The learned lord, who seemed better acquainted with French history than with English law, seemed to have formed his notions of petitioning, from the maxims of Robespierre, who passed a decree against petitioning. The bill would tend to render the functions of the magistrate more odious, and his person more insecure. The true ground of the bills was, that ministers had plunged the country into a situation of unexampled calamity; and now, in order to screen

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themselves from the consequences of their misconduct, they had recourse to these measures in order to deprive the people of England of the right of remonstrance.

The House divided: Contents, 63;—Proxies, 46—109. Not-contents, 15:—Proxies, 6—21.

Dec. 14. The bill was read a third time. On the question, that the bill do pass,

The Duke of *Bedford* rose and said:—The bill, my lords, now stands before you exactly as it is to pass into a law. In the course of the discussion which it has undergone, it has been divested of several obnoxious clauses. The exceptionable principle, however, still remains. No one denies that it imposes some restrictions on the right of petitioning. The bill gives a power, which is liable to abuse; it is in vain to tell me that it will not be abused. I never will confide such a power while I am ignorant for what purposes it may be applied. The ground urged for adopting this bill has been the outrage against his majesty's person. It has been boldly asserted, that, previous to that event, the propagation of sedition was notorious, and that it may be immediately traced to doctrines which were openly preached. I as boldly contradict the assertion. Upon that point we are therefore at issue. How, then, is it to be established? By proof; by investigation. These have been refused; and ministers did well to refuse them: for they were aware that their measures were not calculated to stand such a test. Had they been in possession of those proofs which we required, would they have refused them? If the circumstances of the times imposed upon them the necessity of bringing forward new acts of restriction, and of making fresh additions to the penal code of the country, would they not, if possible, have endeavoured to secure our concurrence? The present measure is liable to be grossly abused, and, I am afraid, with impunity. I do not wish to enter into any invectives against the characters of magistrates; it is not, however, to be concealed, that many of those to whom so large a power is to be given by the present bill, are known to be corrupt and interested men. And to persons of this description, you give the power to arrest an Englishman while he is speaking. And in case of any resistance or obstruction, what is the power you give to the magistrate?—And to disperse the meeting, to enforce military execution; and remark how many kinds of obstruction may take place in a large assembly short of actual violence; for it is not to be expected that Englishmen will, on the first mandate of a corrupt and worthless magistrate, disperse like a troop of slaves. Yet, in every such instance, you put it in the power of a magistrate of this description to enforce the most severe penalties, wherever the British spirit shall either undauntedly step forward in the arduous task of asserting its outraged rights, or tempering its energies with prudence, shall calmly remain on the defensive, and assume the inflexible, but unoffending attitude of opposition to caprice or tyranny. With such a power I would not trust the man whom I most loved. To such a man I might trust my own life, liberty, and property; but not those of my countrymen. I feel that though I am not delegated from them, I am delegated for them.—With respect to the outrage on his majesty, what did the evidence brought forward go to prove? That the persons any way implicated in that outrage were very few in number. It seemed to be the wish of ministers to prove that the outrage was entirely the act of a band of ruffians. Supposing that to be the fact, was it fitting to enslave the whole people of England for the offence of a few desperate individuals? Was their guilt a justification of those new and cruel punishments which were enacted by this bill? The bill is defended as a measure of prevention. This argument for increasing the penal code, in order to prevent crimes is founded on a most despotic principle, and is an innovation of the most dangerous nature. It is contrary to that spirit which guided the legislative proceedings of our ancestors, contrary to the whole tenour of our laws. It is to be recollected, that laws, in order to be just, ought to fall equally upon all ranks of the community. The present bill is chiefly calculated to restrain the lower orders; and it will become the House to recollect the relative situation in which they stand to that class of society. We may be well said to fatten by the sweat of their brows. To them we are indebted, not immediately indeed for the situation we hold here, but for all those appendages which render that situation desirable; riches, honours, and power. They can do without us; we

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cannot do without them. Wherever an apology has been wanted for the bills, it has been said, "look to the example of France." The case of the French and of the English is materially different. The French have for centuries been doomed to bend beneath the yoke of oppression; they have been accustomed to witness the profligacy and extravagancy of their court, and to consider depravity of morals as a necessary qualification for honours and preferment. Englishmen, on the contrary, have, at different periods, struggled boldly and gallantly for liberty; and if occasionally they have been forced to submit, they have again burst their chains, and loaded them upon their oppressors. Such has been, such, I trust, ever will be the independence of the English spirit, and the energy of the English character. What has the example of France held out, but a solemn warning of the fatal consequences that a revolution, brought on by tyranny and oppression, was certain to produce. The French, under their revolution, have committed every species of horror and excess; what does this prove? only that in proportion as the people are the enslaved and oppressed, the less will they be qualified to enjoy, and the more strongly will they be tempted to abuse, the advantages of newly recovered freedom. What, on the other hand, has been the treatment of the people of this country? They have submitted to a calamitous war with patience and resignation. How were they induced to submit in patience, and bear its evils without repining? They were told that it was a war carried on for the sake of liberty—for the preservation of their free constitution. That one thing most dear to them, for which they had made so many sacrifices, you are now about to assassinate. The present measure I most decidedly regard as a violation of the rights of the constitution, established at the Revolution.—There is one other topic, on which I wish to say a few words, namely, the right to resistance. No one now stands up to defend the doctrine of passive obedience and non-resistance. It is universally admitted that there is a certain degree of oppression which men may justifiably resist, and when to submit is no longer a question of moral duty. If it had fallen to my share to have debated this bill at the commencement, and as it was originally brought forward, I should not have hesitated to have declared, as was done by some valued friends of mine, that if the bill should be carried into a law, and executed to its extent, resistance would then be declined from motives of prudence, and not of duty. I oppose this bill from principle; I oppose it from the precedent which it affords for future innovation; from the example which it establishes, that parliament have a right to violate those laws which were settled at the Revolution, and on which the parliament then declared that they did demand and insist. In support of those principles, my ancestors shed their blood; and rather than desert or betray them, I will submit to perish.

The Duke of *Leeds* said, that ministers complained of the pains taken to misrepresent the bills; but he was certain that the industry used to raise opposition to the bills, had deterred many, who disapproved of them, from testifying their dislike, from a fear of inflaming the public mind to a dangerous degree. The present bill would tend to increase and organize meetings of fifty, which, from their obscurity, would be more dangerous to government than meetings of a larger number. It would give also too great a discretion to the magistrates who would be called on to execute it. At the same time, meetings of the largest numbers might assemble for the purpose of considering any bill pending in parliament. It therefore appeared that the measure would fail in its direct object, which was with him a reason quite sufficient to oppose it. In its present state the bill ought not to pass, though he thought some steps should be taken to check the effects of sedition.

Lord *Hawkesbury* said, that the bill certainly contained restrictions upon the liberty of the people, upon certain points: but those restrictions were necessary in order to preserve the rest of the constitution entire. It was, and ever had been, the custom to frame laws to meet the evil of the times. For the facts on which the bill was founded, he referred to the report of their secret committee last year, to the public notoriety of the conduct and objects of the societies in question, and also to legal convictions that had taken place in one or two instances. When the regulations of the bill were examined, they would be found the mildest that could be adopted to meet the evil. If such a law had existed in the year 1780, it would have prevented much of

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the mischief then committed, and precluded the necessity of having recourse to a military force.

The Earl of *Abingdon* opposed the bill, as being subversive of the constitution, and denied the facts on which it was founded; but supposing them to exist, he thought the existing laws sufficiently strong to counteract them.

The Marquis of *Lansdown* said, he had thought it his duty to attend in every stage of the bill, to give it his decided opposition. The noble secretary of state had said that the two bills were part of a system. The first bill related to the protection of his majesty's person; the other was supported by arguments deduced from the situation of affairs at home and abroad. Their lordships had heard strong, and in his mind invincible arguments against the unconstitutionality of the system; and for his part, such was the apprehension he himself entertained on that subject, that he considered the existence of the constitution as implicated in their fate. He would not say any thing of resistance, but this he would not hesitate to say, that if the bills were carried into execution in their utmost extent, it was high time for those who prized civil liberty to consider of transferring themselves and their property to some country of free-from, from one that had once been free. The bill not only struck at the foundation of civil liberty, but involved in its opeperation, the right of trial by jury. According to the practice of the law in cases of misdemeanor the crown had the power of challenging the jury, while that power was denied to the prisoner. This was a privilege that partook so much of injustice and abuse, that it was too gross and inhuman to require farther observation. But he trusted, that a right granted to a felon, would not be denied to persons tried for a misdemeanor under the operation of this bill. In cases of a political nature, every indulgence should be granted to the prisoner. If ministers were wrong in this particular, they should acknowlege their error; if such an abuse had crept into the bill, they should expunge the poison. What could induce ministers to restrict the bill to the natural life of the sovereign? During the reign of Anne, a similar bill for the protection of her majesty had been passed during the life of the pretender. But what affinity was there between the present case and that of a pretender to the crown? It was an act of injustice towards the king; for a king should be beloved, and not be rendered an object of jealousy to those against whom the bill was levelled. With regard to the bill, it was necessary to examine how far it was competent to meet the present occasion. When ministers enlarged on the necessity of the measure, they should have stated whence proceeded the cause of the events that had induced them to bring it forward. The full cause of the disaffection had not been properly considered, and the remedy was not accommodated to the source from which the evil arose. The meetings so reprobated owed their weight to the discontent which the calamitous state of the country produced. It was a circular chain of dependent causes which begun and ended with ministers. It would only increase the evil, and by increasing the effect afford the pretences for going on to increase the application. The people still possessed the feelings of Englishmen, and would not tamely be deluded into a base surrender of their rights.

Lord *Grenville* said, it was rather severe to attack the bill on the principle, that it was a departure from the existing laws. If no challenge was allowed in the case of misdemeanor, it did not originate in the present bill, but was consonant to the laws as they existed at present. He denied that the bill went to alienate the affections of the people from the sovereign. The limiting it to the life of the sovereign was justified by the example of our ancestors. He contended, that there were no restraints in the bill inconsistent with the rights of Englishmen, or any new felony created, unless when forcible obstruction was given to magistrates in the exercise of their legal functions. In situations such as magistrates might be placed, much must be left to their discretion: at the same time, it ought to be remembered, that they were responsible for what they did, and liable to punishment when they acted wrong.

Lord *Thurlow* said, that when the House considered the importance of the bill they were about to pass, it became them to be well grounded in the opinion, that there did exist a necessity that justified so strong a remedy. No man who had read the Bill of Rights could dispute the undoubted right of the people to petition the king or either house of parliament, upon any real or supposed grievance; and it was a liberty which he trusted

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would remain entire and unshaken by any restraint whatever. On the other hand, if any excesses, under the sanction of liberty, was attempted, the government might meet such excesses by strong and suitable laws, but they ought to take especial care not to go a single step farther than was absolutely necessary. With regard to the bill, it was to be considered whether it restrained any rights or liberties of the subject? to what extent those rights and liberties were restrained? and why that restraint was necessary? why every Englishman should be deprived of his right to discuss public questions relative to church and state? The bill was founded on what was called the growth of French principles in this kingdom. He knew that certain causes had led to certain events in that country. He knew of no such causes to produce similar events in this. To produce a similarity, nothing could more directly tend than such violent measures as the present. He could not give his assent to a bill, the operation of of which went to curb and circumscribe that liberty which England had so long enjoyed, and under the auspicious influence of which she had so long flourished without hearing more distinctly defined the extent of the evil, to counteract and remedy which so large a portion of that invaluable blessing was to be sacrificed. Much had been said of the poisoned part of the people, but the numbers, strength, or importance of that poisoned part had never been ascertained. In his mind, they were insignificant and few, and might be easily checked without adopting measures, which stigmatized the loyalty of the great mass of the English people. If danger was apprehended from the adoption of French principles, he would ever contend, that the English character was essentially different from that of Frenchmen; and that whatever abuses might have hurried that nation into excesses of the most extravagant kind, it would be absurd to suppose that their example could produce the same effects on the minds of Englishmen.

The *Lord Chancellor* said, that all reverence for law and for religion, had been for the last five years extinguished in France. The spirit of imitation was abroad, and it was the duty of the British legislature to resist it. The same principles which had laid waste France, were now operating by the same means in England, and the bill was necessary to avert the calamities which had befallen that devoted nation. As to the idea, that meetings for the discussion of any particular defect in the representation, Old Sarum, for instance, would be impeded by the bill, he asserted that they would be left perfectly free and undisturbed. He defended the bill upon every principle of policy, safety, and necessity.

The House then divided on the question, "That this bill do pass:" Contents, 57, Proxies, 50—107. Not-contents, 14, Proxies, 4—18. Majority 89.

List of the Minority.

Duke of Norfolk	Lord Chedworth
Bedford	St. John
Leeds	Say and Sele
Marquis of Lansdown	Ponsonby
Earl of Derby	PROXIES.
Lauderdale	Duke of Grafton
Albemarle	Earl of Guilford
Suffolk	Thanet
Abingdon	Lord Teynham
Lord Thurlow	

Protests against the Seditious Meetings Bill.] The following Protests were entered on the Journals:

"Dissentient,

"Because, to present petitions to the throne and the two Houses of Parliament has at all times been the undoubted right of the subjects of this realm; the free and unlimited enjoyment of which was one of the many blessings restored by the Revolution, and invariably continued in its fullest extent, as well during times of internal commotion, as of external danger: we therefore cannot consent to a bill which thus fetters the rights of the people, and imposes restraints on that freedom of speech, to the existence of which the preservation of all our liberties may be ascribed, and from the full, free and continued exercise of which is derived the manly character that distinguishes a free people.——*(Signed)*—Norfolk, Suffolk, Lansdowne, Derby, Chedworth, Albemarle, Lauderdale, Ponsonby, Bedford."

"Dissentient,

1. "Because, though we cordially agree in the above ground of protest, yet we think it farther necessary to state, that although the bill industriously displays the acknowledged right of Englishmen, a right essential to a free constitution of deliberating on grievances in church or state, and of preferring to the king and each House of Parliament, petitions, com-

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plaints, remonstrances and declarations thereupon, yet it proceeds to lay the whole exercise of that important and sacred privilege under a restraint and discountenance, which directly and absolutely annihilates the right. The very proposition of any matter which shall tend to incite or stir up the people to hatred or contempt of the government and constitution of this realm, as by law established, makes the assembly liable to be dispersed by any one justice of the peace, under the pain of felony, without benefit of clergy, if any twelve remain together an hour after proclamation, even though they should not proceed on the prohibited business. Nay, if any one justice shall think fit to arrest any person holding any discourse to the above effect, to be dealt with according to law, and shall meet with obstruction, whether the orator and obstructor be suborned or not, the whole assembly is liable to be treated in this harsh and unprecedented manner. Now the case to which these terrible consequences are attached, is unavoidable, being a necessary incident to the exercise of the right; for no grievance can be made the subject of deliberation, much less of complaint and remonstrance, without drawing down upon it that odium, which its injurious tendency, or that contempt which its absurd incongruity may seem to merit: that is, without representing it as a grievance. So that an occasion even without straining, can never be wanting to suppress the exercise of this franchise.

2. "Because the severe provisions of this bill, not only apply to all assemblies convened by the exertions of private subjects in the manner expressly claimed for Englishmen by the Bill of Rights, but to all the other assemblies mentioned in the act, as appears from a consideration of the following words—'Such meeting or 'assembly, as is hereinbefore mentioned, 'to which every justice of peace is authorized and empowered to resort with any 'number of constables, or other officers of 'the peace, and to do, or order to be done, 'all such acts, matters, and things as the 'case may require.' Now although it be not expressly provided, that deliberating on any grievance in church or state, shall be deemed a crime except in assemblies, convened by private subjects, yet the above-mentioned authority, to arrest men holding discourse to such effect, to be dealt with according to law, do so flagrantly imply it, that the zeal of any justice of the peace, who should so understand the phrase, may regard this as affording ample countenance to his efforts. Happily in the class of magistrates, in this country, are men whose worth and honour render them respectable; but we cannot forget that many are not only appointed by the minister during his pleasure, but are in a state of apparent subjection to his caprice, and some even paid by him for the exercise of their office, have their dependance on that caprice for their daily bread. It is therefore but too easy to foresee how such an occasion will be applied.

3. "Because the provisions in the conclusion of this bill, form a worthy sequel to the foregoing measures, differing not in principle, but only in extent and application. The prohibition of unlicensed discoursing upon law, constitution, government, and policy, at meetings not sanctioned by the sacred occasion of a free people applying to their legislature, interrupts private instruction, and the freedom of private discourse. The perusal of books recommended by universal esteem, and the authority of names the most venerable, is an indulgence, however, that still remains. We are only forbidden to talk of what they contain.

"We therefore think it our bounden duty, thus solemnly to mark the ignominious difference between this impaired state of English liberty, and that which was so nobly demanded, and so honourably conceded, at the auspicious æra of our happy and glorious Revolution. It is in vain that by the rapidity with which this bill has proceeded, the petitions, complaints, remonstrances and other addresses of an irritated people, have been evaded. It is in vain to hope that the length of time for which it is to endure, will lay the public anxiety to sleep. The people cannot cease to regard this invasion of their rights with grief and dismay. They feel with us, that even indifference would extinguish this fundamental franchise, this safeguard of all our liberties, for ever.

(Signed) BEDFORD
LAUDERDALE
ALBEMARLE."

Debate in the Commons on the Budget.] Dec. 7. The House having resolved itself into a committee of Ways and Means,

Mr. Chancellor *Pitt* rose. He said, he was perfectly aware of the difficulty of endeavouring, at so early a period of the

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session, to call the attention of the committee to a general view of the expenses of the year, and of proposing to them the means of meeting those expenses. A considerable part of those expenses could now only be judged of by estimate. At the same time, he trusted he should be able to give a general account sufficiently exact. The committee would recollect that, at the commencement of the present session, his majesty, in the speech from the throne, had held out to parliament, and the nation, the prospect of a negociation for peace; and it was the opinion of parliament that the probability of a speedy termination of the war would be materially assisted by our showing to the enemy that we were prepared for either alternative. Under that impression, he thought it better to come forward at once, and fairly state what would be the amount of the service for another year of war, together with the means of meeting that expense, than to suffer it to pass on to a later period of the year. He did this with the more confidence, in the persuasion that the account would be a triumph of the finances of Great Britain, and would demonstrate that she was equal to the emergency in which she was engaged. Without any other prefatory introduction, he should proceed to consider the subject under those heads into which it resolved itself. It would be his duty to state under the various heads of service, the articles of Supply which had been already voted. And first the Navy. The number of seamen for the present year was 110,000 men, being 10,000 more than the preceding year; and the sum already voted for this head of service was 5,720,000*l.* There were still two farther sums to be voted, namely, 624,000*l.* and 708,000*l.*, for building ships and repairs, making the whole of the navy for the year 7,720,000*l.* The next head of service was the Army for which there had already been voted 6,104,000*l.*, which was less than the expense of the army for the last year by 844,000*l.* There were still, however, several other sums to be voted under this head of service, viz. For the expense of several French corps, which it was thought might be beneficially employed in our West India islands, 300,000*l.* The Sardinian subsidy 200,000*l.* The extraordinaries of the army were 2,646,000*l.* But this was not all that would come under this head. It was impossible precisely to state what farther might be required; he would estimate it, however, at 350,000*l.* The next head of service was the ordnance, which was 1,744,000*l.* Miscellaneous services 360,000*l.* This was more than the last year by 100,000*l.*, and arose from the increase in the article of secret service money. In time of peace the sum for this service was 28,000*l.* This year it had advanced to 151,000*l.* The next article was the necessary sum for replacing exchequer bills. The amount of the exchequer bills was 6,000,000*l.* Though it stood, however, at this sum on the supply side of the account, yet as it was his intention, as an article of ways and means to move for a vote of credit for 3,500,000*l.* there would in reality be no more than 2,500,000*l.* to be provided for in the supply of the year. The next sum was the provision for the reduction of the national debt. It was a matter of consolation to know that the measure for the reduction of our debt was persevered in with unceasing steadiness, and that the benefits of it were daily felt in the efficacy of the fund set apart for that purpose. The sum on this head was 200,000*l.*

Gentlemen would recollect, that when he made the loan of 18 million last year, he stated the reasonable expectation he had of receiving from the India company 500,000*l.* But lest that sum should not be paid, he had provided taxes for 19 millions instead of 18. In looking, however, at the deficiencies of the grants, he should lay out of the consideration for the present this circumstance, and should take it on the same ground as last year. Under all the various heads, the deficiencies of grants he stated at 1,750,000*l.* The sum allowed for the prompt payment on the loan of last year was 344,000*l.*, and the interest upon exchequer bills he stated at 240,000*l.*, making together 2,357,000*l.* But from this was to be deducted 28,000*l.* which the land and malt produced above the sum taken in the deficiencies of last year. The whole of the deficiencies he would state at 2,333,000*l.* The whole of the Supply, therefore, for the year, would be 27,662,000*l.*

He had now to state the Ways and Means by which he was to meet this Supply. The first article was the land and malt, 2,750,000*l.* Exchequer bills, 3,500,000*l.* Of the permanent taxes, the produce had been very good. Independent of the new taxes, the produce for the last year had been 13,598,000*l.* On the average of three years the produce

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was 13,933,271*l.*, and this would be the fair amount at which they ought to be taken. The permanent charge upon the consolidated fund was 11,532,000*l.* The sum to be expected from the imprest now in the hands of accountants would be 200,000*l.* The sum to be expected from Dutch prizes, on which his majesty had been pleased to signify his royal pleasure, might be brought into the account with strict regard both to justice and liberality. The captures were made, in a great degree, before the two countries were in a state of hostility, by the order of ministers, without risk or hazard to the captors, and without that sort of labour and exertion which was the foundation of prize. Others, however, had certainly been made with great personal hazard, and with great exertion. His majesty would in all the variety of cases make just and liberal allowance to the satisfaction of the service; but with all this a considerable sum would accrue applicable to the public service. He would take it at 1,000,000*l.* All these, therefore, he should take at 3,595,000*l.* Add to this the loan of 18,000,000*l.* which would make the sum of 27,845,000*l.*

He might state that he had in reserve taxes for 1,000,000*l.*, which had been laid on last year above the sum which he had borrowed: he would leave that, however, to meet any future expenses that were unforeseen, or to make up for any deficiency that there might be in the taxes generally. It was now his duty to state what further sums would be to be provided for in the course of the present session. The navy debt had largely increased. That was, however, a circumstance that was less to be regretted than any other branch of the public service, since the great exertions which had been made, had raised our navy to so proud a height. The debt had increased also on account of circumstances which were not likely to arise again, or at least not in the same degree. The transport service had been a heavy article of charge. The debt had increased to 5,000,000*l.* It was 3,500,000*l.* on the 31st Dec. 1794, so that the increase of navy debt was 1,500,000*l.* This was to be ascribed to the useful measure which had been adopted of the purchase of India ships, and to the employment of a great number of transports. He had perfect confidence that in the ensuing year they might hope for a saving in this branch of at least two millions and a half. On the army extraordinaries he had also confidence that a considerable saving might be made; and that they would not exceed two millions and a half. He estimated therefore the sum which they would have to incur on these two heads in the course of this year beyond the estimates at 4,000,000*l.* Another important sum which they would have to look for in the course of this year, would be the bounties on the corn to be imported into this country. On that head he could not pretend to speak with any certainty. It was a head of service to the amount of which he looked with hope rather than fear; and he should be extremely happy to find that he had a great sum to provide for upon that account. He thought, however, the sum of 1,000,000*l.* was as large a sum for bounties as was likely to be called for. These sums taken together, therefore, would make 5,000,000*l.*, for which they would have to provide. On the other hand, there was a fund to which they might look with confidence, if gentlemen were disposed to refer to it in aid of the public service. It had been a subject of great discussion in that House, and upon which there certainly was great contrariety of opinion. Upon an average of three years it had produced 300,000*l.* to the nation. The provision which the liberality of the public had made for the American loyalists, and charged upon this fund, was almost made good: 250,000*l.* only would be due after this year; and therefore, as gentlemen thought that the produce of the lottery was not more than counterbalanced by the pernicious effects which it had upon the community, they might undoubtedly look to it as to a fund applicable to the public exigency. Gentlemen would see that the permanent taxes, and the growing produce of the consolidated fund, were more than equal to the existing charge upon it; and he had the pleasure to find that, as far as could be yet ascertained, the produce of the taxes of last year bid fair to come up to the sums at which they were taken. He had now, therefore, only to find taxes for the interest of 18 millions, which was the amount of the loan, and for which he had contracted. He would shortly state the terms, and would hereafter explain to the committee the reasons upon which he had acted in the bargain that he had made. The interest on every 100*l.* which he had borrowed,

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was 4*l.* 13*s.* 6*d.*, to which was to be added the one per cent. wisely provided for by parliament in aid of the fund for discharging the national debt. This made the total interest on every 100*l.* 6*l.* 3*s.* 6*d.*, which interest on a loan of 18 millions, amounted to 1,111,500*l.*, and for this sum he had to propose to the committee taxes as a provision.

The first tax which he had to propose was upon that species of legacy, which, without taking in the lineal heirs, extended to collateral branches and to strangers. The second was an additional duty of 10 per cent. on the assessed taxes. The third was a tax upon horses. It was his intention to double the duty upon all horses kept for pleasure, following the same advances in proportion to the number as were now observed; and upon all horses employed in trade and agriculture, he proposed to lay a very trifling duty. The fourth was an article of very general consumption, which by their late regulations had been freed from fraud, and which he was persuaded would bear a small additional tax without inconvenience, he meant tobacco. The fifth was also an article of general use, upon which there was at present a duty, but which he was persuaded would bear an increase; he meant printed cottons and calicoes. The sixth was a very small matter of regulation, and not a duty, upon salt; and the last would be a reduction of the bounty on the export of refined sugar, which, he was confident, might be done without any diminution of the trade. He had thus hurried over the several articles upon which he proposed to submit to the committee additional taxes. It would now be his duty to enter more particularly into each.

Legacies.—It would be obviously extremely difficult to form any other than a wide conjecture on the probable amount of a tax of this description. He had been disposed to recur to it upon mature reflexion. It had been a tax which in the only country of Europe that in its prosperity bore any resemblance to England, had existed without hardship or complaint; he meant in Holland. It had been found by no means oppressive or inconvenient; nor had it in any degree taken from industry its stimulus in the acquisition of wealth. The principle of the tax was also recognized in England, where a duty upon certain kinds of legacies had existed for several years. That duty was at first one per cent. on all legacies beyond a certain sum; it was afterwards extended to two per cent., and afterwards again extended by another act. The principle, therefore, was not new; and it was his intention to make it on all legacies with an exception only of those to widows, and to the lineal descent. He proposed to lay a tax of two per cent, on all legacies above a certain extent to persons in the first collateral degree of relationship, and also to extend to residuary legatees; 3 per cent. on the next degree of relationship; 4 per cent. on legacies to more distant degrees of relations; and 6 per cent., on all legacies to the still more distant branches of a family and to strangers. Again he must say, that in a war for the protection of property it was just and equitable that property should bear the burthen; and as it was in the nature of things that landed property was the most permanent, it was first fit that it should contribute accordingly. It was not, however, to be confined to any species of property, it was to include both landed and personal; it was not to have any operation on the actual possessors; nor would it affect the first degrees of consanguinity. In every case the widow, and the direct descent would be excepted. This tax would be on the capital bequeathed. It was difficult to say by what criterion they could judge of the probable income of such a tax. By the probates of wills it was found, that about 3 per cent. was the medium sum to be expected from such a tax; but it was not easy to calculate what would be the amount of its operation. It would be very difficult to distinguish between the quantity of property that went in the lineal descent, and that which went to collateral branches. Nor would it be easy to ascertain what was the general amount of property. In the beginning of the present century, chiefly in the reign of queen Anne, many inquiries had been made about the extent of landed and personal property in England. The estimates had widely differed. The lowest calculation that had been made was, that the annual rental of Great Britain was twenty-five millions. This was certainly greatly within the mark. But taking it at this rate, and estimating this rental at 28 years purchase, the value of the landed property of the kingdom was 700,000,000*l.*; personal property was estimated at 600,000,000*l.* So that the whole property

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of Great Britain was 1,300,000,000*l.* To form some conjecture as to the amount of the transfer of property by testament, the records of the ecclesiastical courts of Canterbury and York had been searched; and it had been found, that about one-third of the whole of the testaments that were made went to collateral branches. Of landed property the proportion was about one-fifth; and therefore it might be advisable, in a conjectural calculation like this, to take the medium, which was one-fourth, upon which to form the probable estimate. On the transfer by will, therefore, of 325,000*l.* divided again by 33, which, in calculations of this kind was thought a fair standard, the result would be, that this tax should produce 294,000*l.* a year. From this, however, he must deduct the present tax upon legacies, which amounted to 44,000*l.* a year. He should therefore take the new tax at 250,000*l.*

Assessed Taxes.—It was only necessary to state that he meant to exempt horses from this additional assessment, as they were to make a separate tax. He estimated the new tax of 10 per cent. on the assessed taxes, including the commutation tax, at 140,000*l.*

Horses.—The duty on horses kept for pleasure was at present 10*s.* on one horse, and it gradually rose till it came to be double, on persons keeping six horses. It was his intention to double the tax on all the gradations, so that it would hereafter be 1*l.* on a person who kept one horse, and 12*l.* on those who had six. He should estimate the produce at 116,000*l.* He also intended to lay a small tax on horses kept for industry only. He flattered himself that this would not be considered as any very heavy burden upon industry, and that no farmer would be tempted to keep fewer horses on account of it. The tax he proposed was no more than 2*s.* per horse, and it was not to increase, whatever might be the number kept by one individual. It was supposed, that there were at least one million of such horses in the kingdom; he should therefore take the tax at 100,000*l.*

Tobacco.—He had every reason to believe that tobacco, which was clearly an article of luxury would bear an additional tax of 4*d.* per pound, without any apprehension of lessening the consumption, or of giving rise to new frauds. This tax would produce 170,000*l.*

Printed calicoes.—This was an article in such universal consumption, that he was persuaded no injury would be done to the trade, by laying a small additional duty. Printed goods at present bore a tax of 3½*d.* per yard; it was his intention to lay an aditional 2½*d.*, making the whole tax 6*d.*, per yard. He estimated this tax at 135,000*l.*

Salt.—Upon this he did not mean to lay any additional duty; it was simply a matter of regulation. A discount of 10 per cent. upon prompt payment, was at present allowed. There was also an allowance for waste on its being carried coast-ways, whereas, upon experience, it was found to gain. The proposed regulations would produce 32,000*l.*

Sugar.—This was also to be considered rather as a regulation than a tax. There was a bounty upon the exportation of refined sugars, which was not necessary to be continued to the present amount, for the encouragement of the trade. It operated as an injury in so far as it tended to increase the price of the article for home consumption. The drawback paid for the exportation of refined sugar last year, amounted to between 7 and 800,000*l.*, though the whole duty on the import had been only 1,200,000*l.* He proposed to reduce one-fourth of the present drawback, which would be a saving to the revenue of 180,000*l.*

The whole amount of the sum at which he estimated the new taxes would be 1,127,000*l.*; and the interest of the sum borrowed was only 1,115,000*l.* This would have been all that it would have been necessary for him to trouble the committee with, if nothing had been said against the terms on which he had bargained for the loan. A petition had, however, been referred to the committee, which stated certain circumstances upon that subject. He should therefore call its attention to the manner in which he had concluded the bargain upon the loan. In the fourth year of a war, which was allowed by all to be the most arduous in which this country was ever engaged, the public had a loan of 18 millions, at an interest of more than 4½ per cent. He stated this to show the state of our public credit, and the opinion which monied men entertained of our resources. A petition which had been referred to that committee stated, that he had departed from the mode which, of all others, when practicable, he should be most ready to

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adopt; he meant that of making the bidding an open competition. It was his wish that the present, like former loans, should have been conducted in the way of competition. But it was suggested in conversation, that no new competition should take place, till those who were engaged in the former loan had paid up the money, and that it was not usual for any application to be made for payment on a new loan till the former had been completed. It was stated, that a considerable part of the loan of last year was still due; that several millions of scrip had not been paid up; and that there were some of the subscribers who carried on their engagements to the 6th of February. Upon examining the statement, he found that the facts were accurate. But he felt this very forcibly when he came to consider that he must either defer this loan until February, or bring it forward against the consent ef the subscribers of the former loan; neither of which did he wish to do. Determined as he was to lose not a moment in stating the vigorous resources of the country, and the extensive means it possessed of prosecuting the contest, the consideration of delay would not, however, have singly induced him to forego the mode of open competition. But the gentlemen who contracted for the last loan stated, that they were willing that this loan might be proposed to other parties, provided an option was reserved to them to take it at a profit of $\frac{1}{2}$ per cent. less than any other bidder, which upon 18 millions was a saving to the public of 90,000*l*. At the same time, feeling that this engagement might, to a certain degree, discourage competition, he took an opportunity, in the presence of the governor and deputy governor of the bank of England, to bind the present subscribers to accept the terms on which the loan was now fixed. They made him, as it were, an arbitrator between them and the public, and if the competitions failed in this case, he had grossly erred in his judgment, if any competition would have made the terms much better. He thought it right, however, to state to the contractors what was the amount of the unfunded debt, the navy debt, and all those points which might add to the public pressure. He also took occasion to state the probability of giving the farther aid of the public credit to the Emperor. There might be a loan in 1796, to the Emperor, to the extent of three millions, and under all these circumstances the present loan was concluded. In order to prove that the loan was an advantageous bargain for the public, he referred the committee to the terms of former loans. It was concluded upon terms more reasonable than those of the loan of last year. He was sensible, that by his conduct in this affair, he had exposed himself to much misconstruction. He could only take refuge in his own intentions. But after the statements he had now given, he thought he might with confidence appeal to the candour, the fairness, and the justice of the House. He concluded with moving his first resolution.

Mr. *William Smith* said, that two considerations arose for discussion—whether the loan was made on the best possible terms, and if it could be shown that it was not, whether parliament ought to sanction a bargain, in which an immense sum of the public money had been thrown away. There were two points to which he was prepared to speak, namely, the intention of Mr. Morgan and his friends to bid for the loan, and the profession which was at one time made by the chancellor of the exchequer, of making it an open loan. But as neither of these points were disputed, he would proceed to examine the reasons that were given for rejecting a competition. He was instructed to say, that till the night immediately preceding the 25th of November, no memorial was presented by Mr. Boyd and his friends, and that they had never till that time publicly talked of presenting any such memorial. Now, if this was the fact, was it not evident, if every thing was fairly and liberally meant, that that night would not have been chosen for presenting the memorial, when it was known ten days before, that it was the intention of the minister to raise the loan by competition? For as early as the 16th of November, Mr. Morgan was informed of this intention by the governor of the bank of England, at which time no notice was given that there was to be a preference shown to any particular bidders. To this statement, it was remarkable, there had not yet been any opposition; and he held a circular letter in his hand from an hon. secretary to the contractors, wherein a general invitation was given without any mention of preference whatever. It seemed Mr. Boyd contended, that he and his friends had a lease of the market for a year: but the assertion was founded on a

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gross misrepresentation, namely, that five millions of the last loan was not paid up; whereas he was ready to prove, that only 477,000*l.* remained unpaid. The explanation to which they resorted was specious, but would not abide the test of examination. They said, that near five millions remained to be entered in the bank books, and till it was entered, it could not be said to be paid to the public. But it was notorious, that the money was in the market; that it was equally negociable with any other stock; and that it had not the smallest influence on the rise or fall of the funds. The question, then, was, whether the circumstance of 477,000*l.* of the last year's loan, remaining unpaid, could justify a preference in the bargain for the loan of this year, by which a sum equal to that amount was lost to the nation. For he would contend that the minister might as well have said to Mr. Boyd and his friends, keep this 477,000*l.* altogether, as have shut the market against Mr. Morgan, and those who wished to be partners with him in the bargain on the present occasion. It was said, that the present petitioners, three years ago, made a similar objection to that brought forward by Messrs. Boyd and Co. But the difference was simply this: on that occasion the loan of twelve millions was contracted for in January or February, and another loan of three millions was proposed to be raised for the Emperor in the May following, when the other loan was at a considerable discount. Besides, who would have been the sufferers, supposing Mr. Morgan and his friends had been admitted to competition? Not the subscribers to the last loan, for Mr. Boyd had connected himself this year with quite a different party from his last year's friends, who were perfectly satisfied with having sold their shares with a profit of 12 or 14 per cent. And he would ask if it was reasonable, that an individual with a new list of subscribers, should come forward and press an advantage, to which, if he had any just claim, it was only while he retained his former connexions? There was also another very considerable difference between the circumstance of the present loan and that of 1793. Then there was an express stipulation reduced to writing, that there should be no other loan; but in the present case, the language had been so vague and loose, that the chancellor of the exchequer hardly recollected that there was any engagement of the kind. In a letter which he sent to Mr. Morgan, he stated, that Messrs. Boyd considered themselves as entitled to a preference, and that he thought them worthy of some degree of attention. But could this degree of attention be supposed to extend to a preference to the amount of 400,000*l.*? But it was still said, that there were some chance of competition left to Mr. Morgan. If it was examined, however, it would be found to be nothing more than this: "Give in your terms, and if in the opinion of Mr. Boyd, they are not worth his acceptance, then you are saddled with them, and you may make the best you can of a bad bargain. But if Mr. Boyd thinks he can pay a half per cent. more, you shall not get a guinea." Who but an ideot would ever have entered into a competition upon such terms? So much for the competition. It was notorious among monied men, that Boyd was to have the loan, for several months before it was contracted. Odds were repeatedly offered that there would be no competition, and even on the supposition of a competition, that Boyd and Co. would get it.—Mr. Smith then entered into an examination of the terms of the loan, and contended that a better bargain might have been made for the public.

Mr. *Fox* disapproved of many parts of the budget, but should confine his observations to the subject of the loan. Why, he asked, was it necessary to give the subscribers to the last year's loan any preference at all? When he put the question, he had no hesitation about the answer which he should receive—that by one of the stipulations of the last year's loan, the minister was bound to give a preference to Mr. Boyd. If this was really the case, why did he not give Mr. Morgan and his friends notice of this obligation? He was aware of what would also be here advanced, that the right hon. gentleman had no recollection of the obligation, at the time when he professed his intention of making an open loan. But, surely, the obligation could not be serious, of which he had no distinct recollection, especially as it involved a question of so great public moment. He contended, that it put an end to all competition on public loans. He was ready to exculpate the chancellor of the exchequer from having willingly acted an improper part to Mr. Morgan; but he could not exculpate him from a very improper degree of

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levity and inattention, in having come under such an engagement in January last, as for ever precluded him from his favourite plan of competition. The transaction might be considered in a double point of view, as an injury to the petitioners, and as a loss to the country. To Mr. Morgan it was clearly a serious loss, his money being called in for the purpose of making this application of it. And to the public, there was in the first place a loss of 400,000*l*. But this was the least part of the public injury. By deserting the plan of competition, the minister had outraged a fundamental principle of the constitution, laid a precedent of which corrupt ministers might in future avail themselves to the detriment of the public, and checked for ever this spirit of adventure in the monied interest of the kingdom.

After a long and desultory conversation, the several Resolutions were agreed to by the committee.

The King's Message respecting Dutch Prize Money.] Dec. 7. Mr. Pitt presented the following Message from his majesty:

"GEORGE *R.*

"His majesty thinks proper to acquaint the House of Commons, that a considerable sum is likely to arise from the sale of such of the prizes, made on the subjects of the United Provinces, as are by law vested in the crown; and that it is his majesty's intention, when the accounts shall be closed, to direct that the produce which shall arise therefrom, after making such allowances as may be thought due to the merits of any of the captors, shall be applied to the public service G. *R.*"

An Address of thanks was moved by Mr. Pitt, and agreed to.

The King's Message respecting a Negociation for Peace.] Dec. 8. Mr. Pitt presented the following Message from his majesty:

"GEORGE *R.*

"His majesty, relying on the assurances which he has received from his faithful Commons, of their determination to support his majesty in those exertions which are necessary under the present circumstances, recommends it to this House to consider of making provision towards enabling his majesty to defray any extraordinary expense which may be incurred for the service of the ensuing year, and to take such measures as the exigency of affairs may require. His majesty, on this occasion, thinks proper to acquaint the House, that the crisis which was depending at the commencement of the present session has led to such an order of things in France as will induce his majesty (conformably to the sentiments which he has already declared) to meet any disposition to negociation on the part of the enemy, with an earnest desire to give it the fullest and speediest effect; and to conclude a treaty for general peace, whenever it can be effected on just and suitable terms for himself and his allies.

"It is his majesty's earnest wish that the spirit and determination manifested by parliament, added to the recent and important successes of the Austrian armies, and to the continued and growing embarrassments of the enemy, may speedily conduce to the attainment of this object, on such grounds as the justice of the cause in which this country is engaged, and the situation of affairs, may entitle his majesty to expect. G. *R.*"

The King's Message respecting the Disembarkation of Foreign Troops.] Mr. Pitt also presented the following Message from his majesty:

"GEORGE *R.*

"His majesty thinks it proper to acquaint the House of Commons, that considerable division of ships, having on board foreign troops in the service of Great Britain, having been dispersed and damaged, whilst on their passage from the rivers Elbe and Weser to Spithead, the place of rendezvous appointed for the convoy under which it was intended they should be sent on distant foreign service, his majesty has found it unavoidably necessary to order the said troops to be disembarked, and to be stationed in barracks near Southampton, and in the Isle of Wight; and, at the same time, has given directions that they shall be reembarked, and sent to the place of their destination, as soon as the transports necessary for their accommodation and conveyance shall be in readiness to receive them, the necessary orders for that purpose having by his majesty's command been already given. G. *R.*"

The said Messages were ordered to be taken into consideration to-morrow. Similar Messages were sent to the Lords.

Debate in the Commons on the King's Message respecting a Negociation for

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Peace with France.] Dec. 9. The order of the day being read for taking his Majesty's Message into consideration,

Mr. *Pitt* said, that before he moved the Address, he would trouble the House with but a very few words. The sentiments expressed in the message, were intirely conformable to those delivered by his majesty in his speech at the commencement of the session. His majesty then intimated, that if the crisis which existed in France should terminate in an order of things compatible with the tranquillity of other countries, and affording a reasonable expectation of security and permanence in any treaty which might be concluded, the appearance of a disposition to negociate for a general peace, on just and suitable terms, would not fail to be met on the part of his majesty, with an earnest desire to give it the fullest and speediest effect. The form of government in France, with a view to the probable establishment of which this declaration was made, had since been adopted and acted upon in that country. This declaration, therefore, his majesty had thought proper to renew in the message. As the House expressed the utmost satisfaction at the sentiments expressed by his Majesty in his speech, they would no doubt be equally ready to renew the expressions of that satisfaction on the present occasion. He would therefore move,

"That an humble Address be presented to his majesty, to return his majesty the thanks of the House for his most gracious message: to acknowledge, with the utmost gratitude and satisfaction, his majesty's condescension and goodness, in having been graciously pleased to acquaint us, that the crisis which was depending at the commencement of the session, has led to such an order of things in France, as will induce his majesty, conformably to the sentiments which he has already declared, to meet any disposition for a negociation on the part of the enemy, with an earnest desire to give it the fullest and speediest effect, and to conclude a treaty of general peace, whenever it can be effected on just and suitable terms for himself and his allies: To assure his majesty, that, until that desirable period shall arrive, it is our firm determination to continue to afford his majesty that vigorous support which we are persuaded is essential to the most important interests of his kingdom; and that it will yield us the highest gratification, if his majesty's powerful preparations and exertions, added to the recent and important successes of the Austrian armies, and to the continued and growing embarrassments of the enemy, should have the happy effect of speedily conducing to the restoration of general peace on such grounds as the justice of the cause in which this country is engaged and the situation of affairs may entitle his majesty to expect."

Mr. *Sheridan* said:—I certainly rise with considerable astonishment at the conciseness with which the right hon. gentleman has thought proper to preface the address which he has proposed to the House. The right hon. gentleman said, that he would trouble the House only with a few words, because that order of things in France which had been alluded to in the speech of his majesty had arrived. I ask why the right hon. gentleman tells us now, for the first time, that the government of France is of a description with which we may safely negociate? Time and experience have no doubt enabled him to alter all his former opinions on that subject. But all the advantages which he can have derived from time and experience, have occurred within the last five weeks. In fact, I contend, that he has had only one week, and that upon the experience of that single week, he now comes forward, not to propose a jealous peace, an armed truce, but a peace affording a reasonable prospect of security and permanence. If he contends that he has had more time to make up his mind on the subject, I ask him, why he did not bring forward the result of his deliberation before he settled the terms of the loan? This one week's experience of the right hon. gentleman has cost the country two millions. What excuse can he possibly allege in justification of his conduct? Will he say that on Wednesday last, when he arranged the terms of the loan, he had not taken such a view of the subject—he did not possess such means of information—he had not such grounds of decision as he has since acquired? The effect of the message last night has been, that the loan is this day at a premium of 12¼ per cent., and a sum of 2,200,000*l.* is lost to the country. When I see the right hon. gentleman reversing his former declarations, I think him not sincere in the object which he avows. When I see him bringing forward such a declaration, in order to defeat, as I believe, the proposition of my hon. friend (Mr. Grey) for peace, I

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cannot help adverting to the grounds on which he may be supposed to have changed his opinion. I must look how that government is composed which he now states to be capable of negociation. That very government he recently stated to be not only on the verge, but in the very gulph of bankruptcy. And having stated that it was on the verge of what must inevitably bring it to destruction, he now submits a proposition to the House, that it is not only a form of government with which we may safely negociate, but capable of maintaining peace on a footing of permanence and security. Will he say, that he is more reconciled to the men who exercise the functions of that government? Of the five who compose the Executive Directory, four voted for the death of the king, the fifth happened to be absent at that period. These were the very men whose pernicious councils were said to have brought on the war with this country, and with respect to whom it has been affirmed, that no settled order of things could take place in France until they had fallen under the sword of justice. Has the right hon. gentleman, then, changed his opinion merely because the forms of the government are altered; because the old men meet in one place, and the young men in another? Is it on the ground of such trifling distinctions, that he now comes forward to contradict every opinion, to retract every profession, which he has formerly uttered, and to pledge himself to a new declaration of sentiment, without any facts by which it can be supported? There is something so contradictory in all this, that I think it impossible that the right hon. gentleman can be sincere. If it be said that the French government has revoked its declaration of interfering with the governments of other countries, and on that account is better qualified for negociation, that declaration, I must remark, has long been revoked. The charge of a wanton interference with other governments, applied to the French, I contend, never to have been just. The declaration which they made on that subject, was a consequence of the coalition of kings. When the confederated princes expressed their determination not to permit them to effect their revolution and establish a government for themselves, they thought themselves justified in declaring their enmity to all kingly governments, and their readiness to assist in their destruction. But in whatever light this declaration is considered, it has long since been disclaimed. What, then, is the period at which the right hon. gentleman thinks proper to declare that the French government is capable of maintaining the accustomed relations of peace and amity? At the moment when the members seek to establish their power by the system of forced elections; when they avow the principle of not being responsible to their constituents; when they seek to establish their authority in the capital by force of arms, and have the place of their deliberations surrounded by large bodies of the military, in order to overawe the people. There is one word in the address which must prevent it from obtaining an unanimous concurrence—the expression which relates to the justice of the war. But this is not the only objection. It expresses a principle which must ever remove to a distance any hope of a secure and permanent peace, till the whole country shall join to disclaim and reprobate the system derived from such a source. It seems that the present state of things in France is such as ministers think may safely admit of negociation. This principle has often been before intimated, but has never been so openly avowed. It now seems that we must carry on a war till a form of government takes place agreeable to the fancy and caprice of his majesty's ministers. If the present form of government, of which they have had only the experience of five weeks, should be thought to require some alteration after peace is concluded, ministers may think themselves justified in involving the country in a new war. As long as that principle continues to be avowed, we may have a hollow and an armed truce, but we never can have any thing like a secure and permanent peace. I must decidedly reprobate the principle, that any objections on the part of ministers to a particular form of government, shall be, in any instance, deemed a just cause for commencing and continuing hostilities; and on this ground I shall move an Amendment to the Address, by adding these words:

"Your majesty's faithful Commons having thus manifested their determination to give your majesty the most vigorous support in the farther prosecution of the war, in case just and reasonable terms of peace should be refused on the part of the enemy, and having declared the cordial satisfaction they feel at your majesty's

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gracious intention to meet any disposition to negociation on the part of the enemy, with an earnest desire to give it the fullest and speediest effect, cannot at the same time avoid expressing the deep regret they feel, that your majesty should ever have been advised to consider the internal order of things in France to have been such as should not have induced your majesty at any time to meet a disposition to negociation on the part of the enemy:—And, your majesty's faithful Commons feel themselves, at this conjuncture, the more forcibly called on to declare this opinion, because if the present existing order of things in France be admitted as the motive and inducement to negociate, a change in that order of things, may be considered as a ground for discontinuing negociation begun, or even for abandoning a treaty concluded:— Wherefore your majesty's faithful Commons, duly reflecting on the calamitous waste of treasure and of blood, to which, it is now manifest, the acting on this principle has so unfortunately and so largely contributed, and greatly apprehensive of the grievous and ruinous consequences to which the persevering to act on such a principle must inevitably tend, do humbly and earnestly implore your majesty, that it may be altogether abandoned and disclaimed; and that the form of government, or internal order of things in France, whatever they may be, or shall become, may be no bar to a negociation for restoring to your majesty's subjects the blessings of peace, whenever it can be effected on just and suitable terms for your majesty and your allies:—And, as the principal bar to a negociation for peace appears to have been your majesty's having been hitherto advised to consider the order of things in France, as precluding your majesty from meeting a disposition to negociation on the part of the enemy, your faithful Commons now humbly beseech your majesty to give your distinct directions, that an immediate negociation may be entered on for the above salutary object."

Mr. *Wilberforce* said:—I must confess, Sir, that I am surprised at that construction of mind, which can take up the address now proposed, in the light in which it has been considered by the hon. gentleman. The event to which the address refers has always been regarded as one desirable to all parties, however they might differ as to the means of attaining their object. It is therefore rather singular, that any objections should be interposed, when all are ready to come into the same proposition. At the moment when his majesty declares that he is prepared to give the fullest effect to any dispositions for peace, that may appear on the part of France, it is a bad return for his goodness to call into question, or cavil at that declaration. The address has my warmest assent. What are the objections to it? We now say, that there is such an order of things established in France, as affords a reasonable expectation for a secure and permanent peace. Last session when I brought forward my motion for peace,* the majority were of a different opinion. They now admit, that the period has at last arrived, when the government in France no longer presents an obstacle to negociation. The hon. gentleman says, that he sees no difference between the former and the present government of France. Does he not admit that there may be various gradations between the two extremes; that there may be different shades and modifications, which may materially affect the character of a government, and its conduct towards foreign powers? Is there not a considerable difference between that no-government, that wild democracy, which formerly prevailed in France, and the more regulated form of government which they have now adopted? The hon. gentleman says, that my right hon. friend has had only five weeks experience of the nature of this form of government. I thought my right hon. friend had expressly guarded against this misrepresentation, when he stated, on the first day of the session, that if the order of things then proposed in France should be put in execution, he should no longer have any objection to treat on secure and honourable terms. What, I ask, is the effect of the message and the address? Seeing a government established in France, which assumes a more moderate and permanent shape than has hitherto appeared, the government of this country readily seizes the opportunity of coming forward with a declaration of their readiness to treat on just and suitable terms. The hon. gentleman asks, what is the difference of the system which the new government in France has established? Is it merely that the old men are to meet in one place, and the young men in another? Does he not know that

* See p. 1 of the present Volume.

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by this regulation, the danger is entirely guarded against, which this country had chiefly to apprehend, namely, the mischief of haste and precipitance in their councils? Is he so ignorant of human nature, or of the effect of situation upon character, as not to be aware, that from this separation of the two bodies, different opinions will arise, and different interests will prevail? What is already the consequence of the new system? They have taken precautions to prevent riot and insurrection, greater even than those which would be admitted in this country. They have shown their determination not to be overawed by mobs, and have taken steps to secure their meetings from the pernicious effects of such tumultuary interference. I said, on a former occasion, that I conceived a government something like that of America, would be the most suitable for France. I said so because I conceived that to be the government which the people were most disposed to receive. The event has so far confirmed my opinion. We know what use has been made of the discontents, real or supposed, in this country, for the purpose of misrepresentation, in France. The amendment would give tenfold force to that misrepresentation, and encourage the idea that the government were forced to sue for peace by the complaints and remonstrances of the people. But I object to it on constitutional grounds. It is not the business of this House to interfere with the executive government, except when called upon by strong necessity. That interference cannot be called for at a moment when government comes forward with a sentiment, in which all have expressed their concurrence. I congratulate the House on this declaration, and trust that it will be attended with the happiest effects. I rejoice that provision has already been made for the expenditure of the year; because I think that by showing we have the means to prosecute the war with vigour, we take the most likely method of bringing about a secure and honourable peace.

Mr. *M. Robinson* said, he perceived no peculiar improvement in the French government, nor was he solicitous to inquire whether it resembled, or ever would resemble, the American constitution; but if we were to wait till France had settled a regular government, he was afraid our hopes would be deferred to a very distant period. Peace, on honourable terms, was much to be wished for, if it could be obtained, which, he thought, there was ground to expect from the present disposition of the enemy. He should therefore vote for the address.

Mr. *Grey* said:—As I consider the amendment a complete record of the sentiments of those who have uniformly opposed the principles on which this war was commenced, and the manner in which it has been conducted, I cannot but give it my support. My hon. friend is blamed for his mode of argument; but are opinions so much changed, that we are become the accusers, and administration the panegyrists of the French government? What is the wonderful difference in the order of things, which has given rise to such a change? The government which the French have chosen, is the same in principle with that with which we went to war, and which ministers formerly declared to be so odious and dangerous, that its total destruction could alone be looked upon as the attainment of the object in view. The present government is indeed worse than that with which we went to war. We first engaged in war with the Brissotines; they who are now in power are the successors of that party, more moderate indeed, but acting on the same principles; the wonderful difference is, that the form is varied; they have a council of ancients, instead of a committee; and a council of five hundred instead of a national convention. Is it for this trifling difference that we have shed oceans of blood? Ministers were accustomed to state, that all success depended on our being able to re-establish the old hereditary despotic government of France; and that in any manner to countenance the proceedings of the murderers of Louis 16th was virtually to depose the king of England. This was attempted, but all their schemes have failed; the confederacy is dissolved; we have every where been baffled, except at sea; we have spent 50 millions sterling, and added above 80 millions to the capital of the national debt. There is little difference in the situation of affairs, and no additional security. I put it to those gentlemen then, how they can reconcile their sentiments and conduct; when at one time they declare that nothing but the total eradication of certain principles will be sufficient to pave the way for peace, and afterwards, taking advantage of a slight difference in circumstances, follow that line of conduct which has hitherto been re-

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commended to them in vain? I am aware that I may appear to argue against myself; but while I sincerely say, that let a *bona fide* peace be made by whom it will, I shall rejoice; yet I contend it is proper that the matter should be fairly stated to the country, and that ministers should not be allowed to arrogate to themselves that merit in the transaction to which they are by no means entitled. It may be said that the present message even goes farther than my motion, in which I wished to confine myself to a point of time; but the real difference between the sentiments of this side of the House and those of the other consists in this; we at all times asserted the propriety of negociation; and although we may have used the expression, that the existing government of France at the time such motion was made, should be no bar to entering into any treaty or negociation, we meant not to deny that any other existing form of government would have been equally competent to maintain the accustomed relations of peace and amity. They, on the contrary, have, up to the present moment, objected to every idea of negociation. To set this matter in its true light is, I conceive, the object of the present amendment. I certainly, above all things, wish the honour of the country to be saved: but by whatever circumstances these gentlemen may be influenced, I wish ministers to acknowledge the French republic, and shall rejoice to think that they are determined to negociate. I wish to consider this message as an assurance to that purpose, and that the minister is sincerely resolved to take the earliest opportunity of concluding a peace. Is this really so?—He appears to give his dissent to this; then let him openly say so. I, indeed, distrust every thing which comes from him in the shape of words. Last year, in the amendment to my motion for entering into negociation, he stated, that he would be ready to negociate whenever such a government should be established in France as was likely to maintain the accustomed relations of peace and amity,* leaving it entirely to conjecture what sort of government that might be, and not even saying whether the existing government at that time was such a government or not. At that time, we found that other governments, such as Denmark, Sweden, and America, thought they could; but these hon. gentlemen, I suppose, thought they could not. There is one phrase in the message and address extremely equivocal. We are to look for a disposition on the part of the French to negociate; thus, though the minister may acknowledge the competency of the French government for negociation, it may be any time he pleases before he discover a proper disposition manifesting itself. In short, looking upon it, until contradicted, as a sort of assurance on the part of ministers, I may, for some time, suspend my motion on this subject; and feeling as I do, I shall vote for the amendment.

Mr. *Pitt* said:—I prefaced the address which I had the honour of proposing with very few words, because I certainly conceived there could be no difference of opinion upon the subject. I formed this opinion, from adverting to the nature of his majesty's message itself, the situation of the contending parties, and the existing circumstances of the war. But what was most calculated to confirm this opinion was, the conduct of the hon. gentleman himself who has now sat down, and who yesterday, when I introduced the present subject, after mature consideration, said he would not press the motion of which he had given notice. I am, really at a loss to understand what is now his object: it would seem, that had he followed his own inclination, there would, and ought to have been no amendment, and yet he votes for that proposed. At the same time, too, he seems inclined to put the same construction on the meaning of the message and address that is intended to be conveyed by the amendment. It is really singular to observe the mode in which this question has been taken up, to attend to the arguments which have generally been used by gentlemen on the other side. They have proposed an amendment to this address, not recommending us to meet a negociation on just and honorable terms; but to enter into treaty instantly, whether a disposition to this purpose manifests itself on the part of the enemy or not. One would expect certainly, that these gentlemen would exert their talents in a different manner on this occasion. They have always expressed an ardent wish for peace; but now, when that is brought forward as an object more likely to be obtained than at any other former period, they wish to persuade the House not to adopt any rational resolu-

* See Vol. 31, p. 1223.

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tion the subject; and insist that the present address cannot be agreed to, without branding our former declarations on the subject with inconsistency and folly. They affect to rejoice in the prospect of negociation, and yet they pursue a conduct to render it impracticable. The hon. gentleman agrees to our motion, but says, that it does not go far enough, and that the amendment supplies the deficiency. It is very remarkable that he has said nothing in favour of the proposed additions, but he and his friends kindly wish to show that we cannot consistently agree to what we ourselves propose. If we examine by what means they propose to produce this effect, we shall find that their arguments proceed, either on a total forgetfulness, or a complete misrepresentation of the motives and principles by which we have been actuated during the whole of this most important contest. They, in the first place, bring forward an observation, which has again and again been confuted, that the war originated in the aggression of this country. In the second place, they wish to fix us with having asserted, that the grand object of the war, the *sine qua non* to be obtained, was the re-establishment of the ancient government. In the third place they affirm, that between former periods of the French revolution and the present, there is no practical difference. And, lastly, that the establishment of a council of ancients is a trifling formal distinction. On each of these heads it will be necessary to make some remarks. Upon the first point, I shall not tread over the ground that has been already so fully occupied, nor imagine that it is in the power of any hon. gentleman to reason the majority of this House into the persuasion, that this war was not, in the most emphatical sense of the word, defensive on the part of this country; and, at the same time, the most important in a general point of view, that ever was undertaken, involving the interests and well-being of Europe, nay, of all mankind. When that war was once commenced, it certainly became a most material question, when shall we again look for peace? The answer could not but be, Not until we have repelled unjust aggression, and procured reasonable hopes of future security. On the first day of the session, I stated, that it would have been more satisfactory to me, had the present contest terminated in the utter dissolution of those detestable principles in which it originated, but I likewise stated, that it would be of most important consequence, were it to terminate only in stemming the torrent, and turning the tide which threatened to overwhelm in ruin every thing sacred and valuable in society. If in such a defensive war, it be asked, for what have we sacrificed our blood and treasure? I undoubtedly answer, that all we now have, we may well be said to have gained; for we should otherwise have been deprived of it; and what we may gain more, is that indemnity which we find ourselves entitled to demand. I cannot omit observing here, that those who call out, what have you gained? what are you to gain? seem to wish to prevent any thing from being gained, by actually wishing to bind the hands of the executive government, by taking from them all discretion in the management of a negociation, and depriving them of the power of rendering it successful. On the second point relative to the object of the war, let us have a little more justice and candour. I certainly said that the war was not like others, occasioned by particular insult, or the unjust seizure of territory, or the like, but undertaken to repel usurpation, connected with principles calculated to subvert all government, and which, while they flourished in their original force and malignity, were totally incompatible with the accustomed relations of peace and amity. We professed also, that many persons in that country felt the pressure of the calamities under which it laboured, and were ready to co-operate in the destruction of the causes which produced them. The right of war, a right never very seriously denied, entitled us to take every advantage of this circumstance; and we undoubtedly said, that this might be attended with the re-establishment of a system of government in that country, more likely to be beneficial in its effects, both to them and to us. This has always most unfairly been misrepresented, and confounded with the idea, that no end was to be put to the war without actually accomplishing the re-establishment of one particular system. As to the particular expression of *bellum internecinum*, it never was mentioned on this side of the House, but for the purpose of repelling it, as not at all applicable to the manner in which we were determined to conduct the present war. I have even said, when the French government was most objectionable, that some circumstances of necessity

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might compel us to treat with them; and as to the idea of restoring the monarchy, I boldly maintain, that I never held that forth as the *sine qua non*. What we looked for was a reasonable expectation of stability in the government with which we should treat. The next question will be the terms; but at present we certainly say all that can be required when we affirm, that we wait only for a favourable disposition on the part of the enemy.—The next point I have to allude to, is the bold denial on the part of opposition, that there is any substantial difference, with respect to the French government, between the present and former periods. This they argue in an elaborate manner, but like all practical questions, it must be decided by general experience. They have said, that all times were proper for negociation, and that the only question was concerning the terms. We assert, that the present is the first proper opportunity, and the only one that has occurred. It is rather remarkable that they should now, for the first time, turn round and think this not altogether the proper time. One would almost be inclined to believe that they begin to lose sight of the interest of their country. In examining this question, it is unnecessary to go to any length. On the first day of the session, I said, that the circumstance of the new constitution in France, the exhausted state of their finances, and the difference which had evidently taken place in the general temper of the people, were strong grounds to entitle me to say, that the prospect of affairs was extremely improved. Some of these statements it was impossible to deny —The hon. gentleman who spoke last, made what I rather imagine was an accidental slip, when he spoke of change of conduct. Does he mean to say, that things are so reversed, that they who were formerly the defenders of the French government and their measures do now seriously attack them? For my part, I do not mean to defend any of their measures, far less to become their panegyrist. I wish only to consider their conduct in a comparative view. But it is certainly of the utmost moment that this House and the nation at large, should observe the sentiments of a certain set of individuals in this country. Yes! those who have introduced into this island, Jacobin principles, Jacobin names, and Jacobin acts, were the defenders of the French government. But they now attack their new constitution. Why? Because it approaches too near to the despotism of England. This of itself proves to me the advantage the new constitution has over any thing which preceded it. But does any man mean seriously to assert, that no difference has taken place? When the Rights of Man were fully acted upon, there was but one representative body, containing in itself all powers, legislative, executive, and judicial, the only lawful centre from which every thing was to proceed. The new constitution is a complete disclaimer of this theory. Besides, they have introduced the system of artificial distinctions. They are now far removed from a state of pure democracy. Is it no material difference of situation, that in consequence of the division into two Houses, the representative body can no longer rashly and wildly pass the most pernicious decrees, and are not likely to be again controlled by a sanguinary mob, a lawless rabble? Is it no material difference that they should have infused into their constitution, the elements of a mixed government, and have placed in separate hands the legislative, judicial, and executive powers? As to the question, whether they have done well; I am of opinion that they do well in proportion as they come nearer that description of government, which experience has proved to be beneficial to mankind. But the difference in the form of government is to be taken combined with other circumstances, external and internal. We ought to weigh the disposition of the enemy, the means by which the end may be accomplished, and the difficulties attending it. The disposition of the enemy is to be collected from their present principles and conduct, and from the general temper of mind in the country. I am asked, are you sure the present form of their government is stable? To this I answer, that they have no better means of rendering the government stable, than by making peace on such terms as Europe has a right to expect, and by abolishing every measure of force and terror. The exhausted state of their finances is in this point of view, of considerable importance. The subject has already been amply discussed. As an additional argument, I appeal to the dying confession of the old government, and to the infant acts of the new. If such be their exhausted state, it can hardly be supposed that they will be long disposed to maintain the contest. The circum-

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stances which I have now mentioned, are almost all new, and very different from any that have hitherto occurred. Some may imagine that there was sufficient security before this period. They cannot, then, deny that there is more now. There is another point I must touch upon. Is it true that disasters have every where attended us, except our successes at sea? In our land, operations has no honour been gained to the British name? The conduct of our troops in Holland and in Germany demand our admiration and our gratitude. Have sir Charles Grey, and the other officers in the West India expedition added no lustre to the British arms? Might he not mention Martinique, Cape Nicola Mole, and the Cape of Good Hope? Are they not indeed most important conquests; and are they not in our hands? Are we not possessed of means which enable us to enter on any negociation with effect? For this purpose ministers demand ouly those discretionary powers which are necessary. It would be hard indeed to take from them the discretion and double the responsibility. It is said that we have left open a loop-hole for the purpose of evasion, and are really not sincere in what we profess; but let us see what is actually the case. The message undoubtedly reserves a discretion as to the mode of acting, but expresses fairly, that if a proper disposition to negociation manifest itself on the part of the enemy, his majesty will be fully inclined to give it effect. It is said that we allow only the present order of things to be such, as we may treat with, and that we suppose no other equally competent; consequently, if another change were to take place, we should be just where we were. This, however, is not altogether the case. The permanency of the present government does not now so much connect itself with a permanency of a treaty of peace. Formerly, the succession of parties was so rapid and so violent, that the circumstance of this country making peace with one, would have been a sufficient motive for the other to set it aside; but considering the situation to which France is now reduced, no man can pretend to say it would be policy in any other set of men who might come into power, to reject a treaty of peace, concluded with the present rulers. If it be asked, what I would do were the same miserable state to recur, which gave rise to the present contest, I answer, were I in possession of the means, I would again repel the unjust attack. Upon the whole, I can see no reason why we should not now enter into a negociation, if circumstances admit of it, without any regard whatever to the origin of the war.

Mr. *Fox* said, that however he might differ from much of what had fallen from the right hon. gentleman, however he might object to the terms of the address which had been moved, there was one thing which must give him pleasure: he must congratulate the House and the country on the complete change which had happily taken place in the language and in the system of government. The House would believe him when he said that he rejoiced, and when he congratulated them upon this change, since he had also to congratulate himself upon the occasion, as this change of language and of system pronounced his pardon, and was a complete absolution of all his past sins. Ministers had made a total retractation of all the charges they had brought against him for the motions he had made, and for the doctrines he had held from the commencement of the war to the present day: they had fully acquitted him, and had positively declared that, in every sentiment he had uttered, he was right, and that the House should have acted upon his opinion; for all along, he had maintained the doctrine now laid down in his majesty's message. Three years ago, namely, on the 15th of December 1792, he had made a motion for a negociation for peace. In June 1793 he had done the same thing: he had also moved an amendment in the course of the same session, tending to the same purpose. In January 1794 he had supported the motion of an hon. friend; and in the latter end of the same session he had maintained and supported in argument the same sentiment as that now conveyed in his majesty's message, namely, that it was fit and proper to negociate with the existing government of France. It had been his uniform argument, that, at every moment from the first commencement of hostilities to the present, it was wise and politic to make the declaration which had been now submitted to the House,—that France was in a state to negociate with this country. He had, therefore at present, this triumph, that ministers retracted by this message all the language they had held in answer to his motions, and all the imputations which they had thrown upon

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him. "What!" they said, "treat with men whose hands are yet reeking with the blood of their sovereign! What! treat with men who would come here with principles that are destructive of all government!" Such were their arguments, and yet mark their conduct: they now declared themselves ready to treat with the new Directory of France, four members of which had actually participated in the judgment and death of their sovereign, and were directly implicated in that act He regretted exceedingly the absence of some gentlemen from the House this evening, who had signalised themselves by reprobating his sentiments and conduct in the severest terms, because from them also he might have received the same sentence of pardon and absolution, and because they might now have been ready to confess, that the censures in which they had so liberally dealt were the effect of sudden irritation, or gross misapprehension. Other modes of attack had been practised; not the least remarkable of which was, that he and his friends left nothing to the discretion of ministers. When by their motions they had merely called upon the House to consider the existing government of France as capable of maintaining the relations of peace and amity with their allies, a complaint was made on behalf of ministerial discretion, and the supporters of the motions were accused of a wish to deliver over his majesty's advisers bound hand and foot, to the governors of France. They did no such thing; neither his two amendments, nor the motions of his hon. friend (Mr. Grey), went so far as the present message from the crown. His amendments did no more than declare, that there were no embarrassments to treating in the form of the government of France; nothing that made it impossible or improper for this country to treat. The motion of his hon. friend was still more gentle. It was, that there was nothing in the government of France that tended to retard a negociation. But the present message declared at once their readiness to treat under certain circumstances, and the House were now called upon to do what had then been declared to be so improper, so degrading and so ignominious. All these foul epithets, however, were now completely retracted, and justice was done to the good intentions, and to the sound policy of the gentlemen on his side of the House.

The chancellor of the exchequer had thought to involve them in a difficulty, by insinuating that his hon. friend had argued against the address. But this Mr. Fox positively denied, for he had not opposed the address; but thinking it inadequate fully to express the sentiments which the House ought to feel on the occasion, he had proposed an amendment more definite in its object, and more comprehensive in its provisions. He could not, however, but protest against a mode of arguing, by which a person was not allowed to approve of an address if he ventured to express his disapprobation of the measures by which the situation was produced in which the address was moved. If it should be said, that it was an opposition to the address, because they proposed an amendment, he must protest against such reasoning, which tended to deprive him of the freedom of speech. If he must agree to a proposition only in the terms in which it was put, he was deprived of deliberation, and was no longer permitted to be a free reasoner. But this would not, he supposed, be seriously disputed; and it would not be ascribed to him, that he was an enemy to peace because he agreed to an amendment, to a message which was extremely equivocal. An enemy to peace! The whole tenor of his reasoning from the commencement of the war was, that every moment was favourable to a negociation for peace. Had he any objections to that peace being concluded by the hon. gentleman? None; for he should think it an addition to the blessings of peace, if the country could along with it procure the advantage of bringing his majesty's ministers into disgrace; and he should conceive that they were completely disgraced by the retractation of every assertion they had made, and by the surrender of every object which they had held out as the pretext of war. If this should be said to be an invidious mode of speaking, he had no objection to plead guilty to the charge, for he most assuredly did think, that next to the blessings of peace would be the disgrace of ministers, who had entered upon the war without reason, and rejected every opportunity of concluding a peace upon terms infinitely more favourable for the country than any that they were now likely to obtain. It might, however, be their consoling idea, that if they had rejected peace upon better terms than they were now likely to

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obtain, still they had brought the country to such a pitch of calamity, and so clamorous were the people, that peace upon any terms would be received from them as a boon and an atonement for all their transgressions. Such might be their feeling. But, if it were possible to believe that the members of that House could so far surrender their pride, their independence, and their spirit, as to justify such a sentiment, he could only say, that they surrendered their public principles to personal motives, but that such conduct was inconsistent with their duty as representatives of the people, and incompatible with their character as men of honour. No; though they should give peace to the country, he would not agree to forget their demerits. He should still think himself bound to accuse them as the authors of sll the calamities that we had suffered, and he should not think it was a sufficient atonement for their conduct, that they had prevailed on a majority of that House to support them in the system.

He now came to consider the question of the amendment. And first, it was necessary to inquire whether the address wanted explanation; and secondly, whether it was not necessary, in addition to the declaration which it contained, to come to some precise expression of the sense of the House as to the necessity and wisdom of negociation, whatever might be the form of the government of France. The right hon. gentleman had said, that they should be left open to negociate, but not be obliged to it. Upon this he would inquire whether there did exist at this moment a form of government in France, that in the opinion of his majesty's ministers made it wise, fit, and practicable for them to treat? This was the question. Was it not the intention of gentlemen, that with such a government they should treat? Last year, when his hon. friend made a motion for pacification, the right hon. gentleman objected to it as being a practical declaration for treating, and he moved an amendment, which he called a conditional declaration, that we were disposed to treat whenever there was a form of government in France capable of maintaining the accustomed relations of peace and amity with other countries. That time was come. His majesty's message expressly declared that they were now come to such a form of government. Nay, a more precise term was used than in the amendment of last year, for, instead of other countries, the message expressly stated Great Britain. Then, if they were come to this state, why not declare, said Mr. Fox, that you will treat with them? Why not act upon your own declaration? Why not be steady to the principle which you have pronounced, and declare that you will treat? Since that declaration was made in the month of June last, there was not a statesman in Europe, except his majesty's ministers, who did not believe that France was in a state capable of maintaining the accustomed relations of peace and amity with other countries. Their conduct to neutral powers had demonstrated the fact. Prussia had acted upon the demonstration, and had concluded a peace accordingly. It was evident to all the world, then, except to the king's ministers; and if they had been sincere in the declaration that they made in the month of June last, it would have been manifest to them also, and they would have acted upon it. With this glaring fact before their eyes, would the House again leave it in their power to juggle with words, and to evade their own declarations? Would they not now think it necessary in prudence to bind them down to a specific act upon their own words? If they did not, what possible confidence could they have in the present declaration more than in the past? They might say, it was true that at the time of making such declaration there appeared to be a disposition in France to treat; but now circumstances have changed, and there is not the same disposition. They might affect to see circumstances unknown, or totally disregarded by the rest of Europe, and might say that they were not bound by the present declaration, and that the House had come to no opinion which made it necessary for them to treat; such had been the result of their former conduct. The right hon. gentleman had persuaded the House to leave them to the exercise of their own discretion, and they had neglected the time which other statesmen and other cabinets had wisely seized and happily improved. If the House desired, therefore, that the blessings of peace should be restored to the country, they must take care that the present address should be precise and definitive. If it was not clear and intelligible, it was fit that it should be amended, and the ex-

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perience of last year ought to convince them that no loop-hole should be left, no latitude given, to that disposition to equivocate which they had so much reason to lament.

Speaking of France, the right hon. gentleman said, that the present was a fit government with which to treat; and he had accused his hon. friend of having made a slip of the tongue, when he said that by a singular state of things they might be said to be attacking the French constitution which ministers were defending. It was no slip of the tongue; nor was there any thing wrong in the reasoning. His hon. friend never otherwise had defended the former constitutions of France as being good governments for the people of that country, but good in relation to others. He and every gentleman around him had contended, not that the constitutions of France were well framed for the happiness of the people of that country, but that they were sufficient for all the purposes of good neighbourhood, and of preserving peace and amity with others. They never attempted to defend the government of Robespierre. The right hon. gentleman would not do him the injustice to impute to him an approbation of that detestable monster. He had always said, that every one of the successive governments of France had shown a disposition and capacity to maintain their treaties with foreign nations. He was of the same opinion still; and if any one man should rise in his place, and assert that he saw good reason to believe that the present government of France was more capable than any of its predecessors to maintain those relations, he must only say that he should very much doubt either his sincerity or his judgment. It had been a darling expression to call the state of France for three years past a state of anarchy. It would have been a more correct description to have called it a state of tyranny, intolerable beyond that of any, perhaps, that ever was experienced in the history of man. To say that he rejoiced in the probability of its termination was, he hoped unnecessary. He certainly rejoiced in it as much as he did in the fall of the tyranny of the house of Bourbon. But, was that tyranny capable of maintaining terms with foreign powers? Most certainly it was. And if this assertion should be denied, he called upon gentlemen to produce a single instance in which they had departed from the strict performance of their engagements; a single instance in which any one of the adverse parties that tore one another to pieces, and in their despicable and horrid conflicts tore also the bosom of their country, ever violated the engagements they had made out of France. Did not the Brissotine party maintain the treaties of their predecessors? Did not the execrable tyrant Robespierre himself, observe with equal fidelity the treaties made by Brissot? Were not his successors uniformly steady in their adherence to the external system which had been adopted? It had been observed with truth, that no one period in the French revolution had been marked by a more sacred regard to the neutrality of foreign powers, than the reign of that execrable tyrant, Robespierre; and it would not be denied, but that treaties had been made with tyrants as execrable; and considering what sort of treaties ministers had made, with whom they had made them, and what acts of base and abandoned tyranny they had not discountenanced, it was not worthy the manly character of the British nation to abet them in their resistance to a treaty with France.

Having thus shown, in his mind, the futility of all objections to treat on account of the insecurity of treaty, Mr. Fox came to their next argument, that now France was in the greatest possible distress. Granted. Was that a reason for treating now? Was it because this very stable government was on the point of annihilation, that it was capable of maintaining the relations with foreign powers? The absurdity was too gross for argument. But if their distress was a reason for treating with them, had they not experienced this distress a twelvemonth ago? Let the House remember the speeches of the right hon. gentleman and his noble friend (lord Mornington) on the state of their assignats, when they said that their depreciation was at the rate of 80 per cent. Aye, but they had not then come to sufficient distress to be solicitous of peace, and now it seems they were come to this disposition. And what was of more consequence, it seemed that they had now a constitution which was quite fit for all the purposes of negociation. If ministers depended upon this slender thread, our security was slight indeed. He was not about to praise or to censure their new constitution; that he

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owned could be properly estimated only by experience. But whether it was good, bad, or indifferent, did not signify a farthing to the present argument. Whether it was calculated to give happiness to the people of France, was none of their concern; it was not with the constitution but with the government of France that they had to do. That government they had before, and had, he would venture to say, in as perfect a shape as they had now. Nay, if he could trust to an assertion that had been made in that House but very lately, had more perfectly, since it was said, that some of their generals had violated the treaty that had been made with Prussia. What was the construction to be put upon this conduct? That this government, the only one under which the slightest violation of treaty had been known since the Revolution, was also the only one with which it was proper for this country to treat. [It was whispered across the House by ministers, that this violation happened before the establishment of the present government.] Before! said Mr. Fox:—the fact was expressly stated as an argument by the other side of the House, that day se'nnight; that it was totally without foundation he believed; he certainly never had heard it except in that House upon that occasion. But now they were to have perfect confidence in these identical men, because France had now two houses of legislature instead of one! Their nature was to be changed, their insincerity to be obviated, and every objection to be at an end, because France had now two houses instead of one! There was something so extremely whimsical, and so unworthy of statesmen, in this mode of reasoning, that he would not stop to reply to it. He did not mean to criticise the present French constitution; he certainly thought it better planned than any of the preceding; but he could not look to it with greater confidence than to any of its forerunners.

He came now to speak of the origin of the war, in which he would not cease to say, that ministers were the aggressors. It was their eternal answer to this charge, that France had declared the war. Their incessant recurrence to this feeble subterfuge proceeded from a conscious qualm that the accusation was well founded. In his opinion, even in a case of actual insult, it was the duty of statesmen to attempt to procure redress by negociation before they recurred to the argument of war. Had ministers taken this course? The pretexts were, that the French had threatened to deprive our allies, the Dutch, of the free navigation of the Scheldt, and that they had made a declaration, threatening all the world with the dangers of fraternity. Grant that these were legitimate grounds upon which it was the duty of this country to demand satisfaction, was it not the duty of ministers to negociate for that satisfaction? The French had a minister at this court. Why did they not express to that minister the terms upon which they would continue their amity? In every correspondence of the sort, it was incumbent on both parties to state explicitly what they desired to be done, and what they would do in return. Let gentlemen look at the correspondence which had been published, and they would see that there was no declaration on the part of ministers upon what terms they were disposed to continue their amity. But grant even to government their demand, that the French were the aggressors, and that this was merely a defensive war: then it was the nature of a defensive war that it should be pursued on the motives of defence, and that every moment should be seized upon when it might be possible to obtain the security for which it was undertaken. He appealed to the House and to the country if this had been their conduct. He demanded whether, after the defeat of Dumourier, when Belgium was recovered, and when French Flanders was over-run, a peace upon the terms of security, and upon such terms as we had not now either reason or right to expect, might not have been obtained? If the war had been really defensive, if it had been undertaken only to resist encroachments, terms ought then to have been offered upon which we might have procured reparation, security and indemnity. Terms were offered by the French: Marat was sent here commissioned to offer terms. But they were rejected. Upon what principle? Not because we were fighting about a limit, about a boundary: but for that security which could only be obtained by the destruction of their government. He would not say that it was expressly stated that the ancient monarchy should be reinstated, though, by the by, lord Hood, in his declaration at Toulon, had impressed that opinion upon every part of France; but both then, and at every time since, it had been the avowed object of ministers in the

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war, to destroy the Jacobin government. Was the Jacobin government destroyed? Was the government founded on the rights of man at an end? Had the declaration of the 19th of November, 1792, been any otherwise abandoned than it had been two years ago? Why had they not, then, treated before? Because they had objected to treat expressly with any government founded on the rights of man. He would not say that the right hon. gentleman had gone the length of asserting that it would be a *bellum ad internecionem;* he had said there might be a case of extremity, but he made use of a quotation which had this effect, that it left an impression of his meaning on the memory, and the words were not liable to misconstruction. His quotation was,

——— "Potuit quæ plurima virtus
Esse, fuit. Toto certatum est corpore regni."

Such was the right hon. gentleman's declaration. But now we were come to a government when we might surrender all our former assertions, and safely treat for peace. Had we then obtained the objects of the war? The first was our obligation to defend our ally, the States-general. He had always lamented the fate of that unhappy people. They were entangled in a situation, from which, whoever were conquerors, they could not escape; whoever gained, their ruin was inevitable. Had we saved our ally? It was the boast that we had taken the Cape of Good Hope. Good God! was this safety for Holland? We had abandoned their possessions in Europe to France, while we had marked out their dependencies in the East for our share of the plunder. Our protection was like that of our allies toward Poland; we divided it for its safety; and it was an argument for having abandoned all its European possessions to France, that we had seized, or were about to seize, on all its Asiatic territories for ourselves.

He could not help again digressing to one of the attacks which had been made upon himself. What, it had been said, would you be so dastardly as to negociate for a peace with France, and leave Holland in their hands? Now even from this attack he was delivered, ministers had agreed to become the dastards, and to treat with France, possessed of Holland. This they must acknowledge, or agree with him that there was nothing dastardly in the proposition last year. He wished to God it were as probable now as it was then, that it might be recovered by negociation. He still trusted it would be so. But there were other reasons that now induced them to negociate for peace. The domestic state of this country was changed. He could not avoid remarking how the arguments varied. If they were speaking upon the sedition bills, and he were to assert that there were no excesses in the country, that called for such unconstitutional restraints, he should instantly hear a set of pamphlets and hand-bills read, to prove that Great Britain was almost in a state of rebellion; but if he were to demand, why the present was a more fit time than any other to negociate for peace, he should instantly be answered, because we were happily safe at home against all danger of Jacobin principles. If he should say, that by the increase of our debt, and the growing load of national burthens, there was much discontent in the country, it would be answered, no such thing; the example of France has checked every symptom of discontent with the present order of things. Then why pass the abominable bills? Why? it would on the other side be answered, because there was something so perverse and obstinate in the seditious multitude, that nothing but depriving us of our constitution could make us safe. In this way did they reason. Each measure had its own style of argument; and it was thought necessary to insult the understanding, as well as to impose chains upon the person.

We had failed, then, in Holland; and we had failed at home. What had we done for the rest of Europe? What for Prussia, for Spain, for Austria? What had been the fate of the war in general? His hon. friend had spoken generally of our disasters, with the exception of our naval exploits. The right hon. gentleman, with that peculiar cast of candour which belonged to himself, had thrown out an insinuation that his hon. friend had forgotten the achievements of his illustrious father. What fortunate impression his candid sneer had made upon the House, he would not inquire. His hon. friend had spoken generally of the disasters of the war, without thinking it necessary to enumerate the particular instances in which, under the conduct of great and gallant officers, even the incapacity of ministers had not deprived the British arms of glory. But what great advantages had we obtained in the West Indies, except the glory of sir

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Charles Grey's achievements? Would any man say that the manner of the loss of Guadaloupe and St. Lucie did not make us lament their previous conquest? Again, therefore, he asserted, that the war had been disastrous, inasmuch as we had failed in every object. We had lost Holland, which was one object of the war; and we had settled and rivetted discontent on the minds of the people of England, not merely by the calamities arising from the war, but from the measures we had taken, and were now taking, to stifle that discontent.

Peace, however, was now said to be near. Perhaps he thought it was near, but he did not think so on account of the message from the throne. He thought so because ministers felt the sense of the country to be declared against the war; because, however they might affect to misrepresent the feeling of the country in their speeches, they felt in their hearts, that there was not one man in the kingdom, the race of money-jobbers, contractors, and interested persons only excepted, who was not sick of the war, as well as of the miserable pretexts for carrying it on. He thought, therefore, that to fix ministers to the point, they should adopt the amendment, which contained a much more clear and specific declaration than that contained in the address. He knew thst it was a vulgar opinion, and surely it was the most vulgar of all vulgar opinions, that the proposers of a negociation, always stood the worst chance in that negociation. He wished to know one instance in which this had ever been the case. In the present circumstances of Great Britain and France, he thought the advantage was evidently on the side of the proposers. For in both countries there was an evident desire for peace in the great body of the people; so that it would be impossible for the executive government of either country to reject any proposals which might be made, if they were not altogether unreasonable. If, therefore, at this moment, we were to make proposals to France, if they were not grossly dishonourable, their committee of directory and council of ancients, would not dare to refuse them, because, by refusing them, they know that they would lose the confidence and respect of the people.

The right hon. gentleman had not thought it necessary to open his motion for the address, with any exposition of the reasons why the message had been brought down at this very remarkable conjuncture. The speech from the throne was made on the 29th of October, and then no such intimation was given; but the right hon. gentleman had said, that a declaration tantamount to the present was made in the king's speech, and that the people from that speech would have been justified in expecting the present message. They must judge of the impression by the effects. The speech from the throne had produced no sensation on the funds. What had the message produced? A rise in the funds that day of 5 or 6 per cent. He came therefore now to a material part of the present inquiry. Why had not the right hon. gentleman made known the substance of this message before, or at least why not stated his reasons in justification of doing it at this most suspicious moment? It had been the good practice till his time, of closing the loan only the day before it was opened to parliament. If the right hon. gentleman had made his loan in that way, he must acknowledge that with the words of this message in his pocket, he ought to have made terms materially different. If he had this message in his mind, and felt himself bound not to make an open loan, in what predicament did he stand? Messrs. Boyd and Co. very handsomely left it to him to propose the terms; then, with the knowledge of this intention, ought he not to have made a bargain upon the ground of the impression which this message was calculated to make? Were the circumstances of the country such, that he was bound to make the bargain a week before he opened it? Perhaps the suspicion was well founded, that his secret contract with the gentlemen, on account of bills coming due on the 10th of December, stipulated that the bargain should be made before that day. But he called upon every gentleman who heard him to say, if he could believe it possible, that any change could have happened so material as to justify the concealment of this intimation until after he had made his bargain, and then to bring it forth to swell the bonus to such a height; or, if any circumstances had arisen to justify the concealment then, and the intimation now, to say why the right hon. gentleman should not be called upon to state them. A loss had been suffered by the public of not less, on the meanest computation, than 150,000*l.* This had been put into the pockets of persons who talked loudly of their independence,

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and of the disinterested support they gave to ministers. It was not his practice to impute any thing personally corrupt to the right hon. gentleman, and he did not impute to him any thing of the kind now; but he did think that, in decency and in duty, in regard to himself as well as to the country, he was called upon to explain this extraordinary transaction. It was a direct robbery upon the public of 5 or 6 per cent. upon the whole loan, if with the knowledge of his intention he made his bargain without a public declaration of the change that had taken place; and he must prove that he did not know of this change but a week before he declared it. The change however was now announced. He trusted the declaration would not have the fate of former declarations. He should rejoice in the day of peace, come when it would. When it did come, he should certainly be thankful; but he should by no means consider the restoration of peace as superseding the necessity of an inquiry into the origin, principle, and conduct of the war. For if this were neglected, it might establish a precedent upon which any minister might undertake a war without principle, conduct it with incapacity, and be acquitted of all his misdeeds immediately upon the patching up a peace. He trusted that with the return of peace, we should also have a return of the constitution. He should truly rejoice if, with the blessings of peace, we were also to have the next desirable blessing, that of freedom, of which we were about to be deprived. With regard to some persons in the cabinet, with whom he had been long in the habits of agreement and friendship, he knew not what effects peace was to produce upon them. They had differed upon the principles of the present war. If peace should put an end to the differences between them, and restore them to their former habits of thinking and acting he should undoubtedly see the day with peculiar sensibility. He owned, however, that he had very little expectation of such an event. However that might be, he should ill discharge his duty to his country, if he did not steadily resolve to do his utmost to bring ministers to a strict account for all the calamities that this war had engendered. He sat down, begging not to be understood as opposing the address, or disapproving of the sentiments is contained. He only wished that it had gone as far as the amendment which had been proposed by his hon. friend.

Mr. Secretary *Dundas* asked, whether any human being could give the gentlemen opposite credit for their professions of anxiety for a peace, when they proposed an amendment to the address, which they knew must be against the sense of the majority of the House? Was such an amendment calculated to accelerate the blessings of peace: or was it intended to serve the purposes of a party? If ministers were tied down by the authoritative injunction of parliament to make a peace, with what success could they treat? They must say to the enemy, we wish to negociate, and we hope you will grant us favourable terms, but whether you do or not, we must make some peace or other. What terms the enemy would grant, in a treaty commenced under such circumstances, he would leave the House to determine. All that he contended for was, that as ministers were responsible for the advice they gave his majesty, their judgment should be left unfettered. If this argument was just, did it not apply strongly against the present amendment, the necessary effect of which would be to bind up the hands of the executive power, and to throw the country at the mercy of France? There was one mode of debating, which gentlemen opposite uniformly made use of, and against which he desired most seriously to protest. In the course of a debate they brought forward some misrepresentation, either of the arguments or of the intentions of administration, and having once introduced the misrepresentation they never gave it up. It was of no use to deny their assertions—it was of no use to refute their arguments; for in every succeeding debate, the charge was renewed with as much boldness as if it had never been contradicted. One of these misrepresentations was, that ministers had commenced and carried on the war, for the purpose of restoring the ancient despotism of France. In vain had ministers denied the charge; it was still pressed upon them and even now, when they thought the government of France was safely to be treated with, they were accused of having given up the grounds upon which they commenced the war, and of having totally changed their system. As far as related to himself, he declared it as his opinion, that it would be happier for France and for Europe, if we had now to

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treat with a monarchy instead of the present form of government. But did any one expression ever fall from ministers which conveyed an intention of continuing the war until the monarchy of France was restored? Therefore, there was no change of opinion, no dereliction of system, to be imputed to government.—Another charge was, that ministers in objecting to treat with France, had been governed in that determination merely by the form of government which, at the time, prevailed in France, without taking into consideration the general posture of affairs. Of the injustice of this accusation he hoped to convince the House in a few words. When the right hon. gentleman made his motion for peace last year, were not existing circumstances a stronger reason against commencing a negociation than the form of government which now existed? The French were then successful on the Continent, and they became immediately possessed of all the coast. He begged to observe here, that the instant the French became possessed of Holland, the idea occurred to him of getting possession of the Cape of Good Hope. Whether government would, under any circumstances, give up that valuable acquisition, was a point upon which he should not give an opinion, except merely to say, that it would not be given up without an ample compensation. He appealed to the recollection of every gentleman, whether, at the time of which he was speaking, the whole country was not in a state of alarm; the circumstances which were expected to result from the French becoming possessed of Holland, being serious indeed? They were not at that time debating as they were now, whether it would not be expedient to decrease the number of our forces? No, all was apprehension; the whole eastern coast of the kingdom was in a state of panic. He thanked God most solemnly, that there did exist such a panic, because the result of it was, that increase of our navy, which had placed us above the reach of danger. But was there any kind of comparison between our situation then and now? At that time, from the great success of the French arms, their Republic seemed not only to be indivisible, but invincible. Had we made peace then, even if we had obtained tolerable terms, at all events France would have retained her power; and, what was perhaps still worse, they would have retained the pride with which their successes inspired them. Were the Austrians at that time as successful as they have since been in repelling the enemy? Had Manheim surrendered, with a garrison of 9,000 men? The object of Great Britain was not to effect any particular form of government in France, but so to reduce their power, as to give a fair probability that any peace we might make should be permanent. That we had failed in some of our objects, he was ready to admit; but that the individuals employed, or that the nation had suffered any thing like disgrace he utterly denied. He would venture to assert without the hazard of contradiction, that taking into consideration the objects for which we had contended, and the nature of the enemy with whom we had to contend, this had been upon the whole a most successful war. The three objects which any statesman at the commencement of a war would wish us to attain, viz. Martinique, Cape Nicola Mole, and the Cape of Good Hope were every one in our possession. Added to these, we had succeeded in destroying the commerce of our rival, and in ruining their marine.—But the right hon. gentleman had contended, that, from the distressed state in which the French were last year, they must have been anxious for peace. So far from that assertion being true, this was the very first moment, during the whole course of the war, in which the enemy had shown any symptoms of a desire for peace. As a proof of this, he referred to the uniform language held by the Convention. He desired the House to remember the declarations of the government of France, when they made peace with Prussia. The principal motive they assigned for making peace with that monarch was, that they might turn their whole force to the destruction of England. The House must remember their declaration that the new Carthage on the banks of the Thames must be overturned. This was not the language of the Convention alone; it was heard with transport by the whole nation! nay, so general was the persuasion that that object would be accomplished, that their soldiers and sailors had filled their pockets, in imagination, with the wealth of London.—Another argument advanced by the right hon. gentleman was, that the circumstance of France having declared war against us was no proof that they were the aggressors; and that, on the contrary, we had provoked

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the war. He was ready to admit, that it might happen that the party who first declared war were not the aggressors, but was that true with respect to the present war? Had not the French for some months previous to the declaration of war, been guilty of the most unprovoked aggression, from the time of the retreat of the duke of Brunswick? They hardly attempted to conceal their hostile views against the constitution of England? It was then said we might negociate. We did negociate. And what was the result? How did they explain this famous decree of the 19th November? They would not interfere in the internal concern of any any other country, unless the general sense of the people was against their government, and they were invited by the majority, to give their assistance! But who were to be the judges of this general will? The French! This was all that could be obtained by negociation.—The gentlemen opposite appeared to him to talk of a peace with too much certainty. The message did not hold out an immediate promise of a peace; it only said, that we were ready to negociate, upon fair and honourable terms. He thought it necessary to say thus much, in order that he might not be accused of an attempt to delude the House and the country, if unfortunately they should not be able to attain the object they all wished. The right hon. gentleman said, that ministers represented the danger arising from seditious societies here, to be greater or less, just as it suited their argument. He had no objection to confess, that he thought the danger less now than at the latter end of 1792.—And why? Not because they had renounced their principles; not because they had decreased in numbers: but because the people had recovered from the infatuation under which they laboured, with respect to French doctrines; because the people were more upon their guard against the machinations of the disaffected; and because government had opposed bulwarks against any farther attempts they might make. He concluded with congratulating the House and the country, that we had, by courage and perseverance, arrived at that point in which we might look for a peace equally compatible with our security and our honour.

Mr. Sheridan's amendment was negatived without a division. The Address was then agreed to.

Debate in the Lords on the King's Message respecting a Negociation for Peace with France.] Dec. 10. The order of the day being read,

Lord *Grenville* said, he had no doubt of the disposition of their lordships to give every assistance to his majesty, conformable to the sentiments contained in his most gracious message, for the purpose of procuring a peace on safe and honourable terms. As upon this subject there could not be any difference of opinion, he should not think it necessary to do more than move an Address in answer, without entering into any argument to show the propriety of such a measure. He accordingly moved an address, similar to that which was yesterday moved in the Commons by Mr. Pitt.

The Marquis of *Lansdown* declared, that the great measure of peace had been long uppermost in his mind. That he might not lie under the necessity of opposing a measure which was calculated to produce so desirable an object, he would not dwell on the conduct of the war, though he remained firm in his belief that it originated in aggression on our part. Since the days of cardinal Alberoni, a design of such frantic absurdity as the object of it embraced, had never been attempted. He would not dwell on the uniform misconduct of ministers, nor the disasters which, with a few exceptions, had attended us both by land and sea. There was a time when the energy of parliament would have been exerted in inquiring into the conduct of ministers; but that energy, since the Revolution, had been gradually declining, till at present, it was entirely extinguished. If their lordships had recourse to their Journals, they would find, that from the Revolution, down to the American war, such inquiries were never refused. For the restoration of this energy, a reform in parliament was the only application that would be effectual; but this he would not press till peace produced a period proper for its agitation. Peace was the object nearest his heart, as necessary to the happiness of the people, and the safety of the country. It was a jewel which he was, at all events, desirous to secure. If he was asked, how he would obtain it, he would explain by saying, if he had a servant who robbed him of a valuable diamond, his first care would be to recover it before he accused him of ingratitude, or punished him for his crime. Peace

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was that diamond, and if ministers would restore it, he would receive it with thankfulness, though his opinion of them might be the same as of the servant. In the present instance, he was at a loss to know what confidence to give ministers, from the equivocal terms of the message, and the sentiments contained in the address. When he recollected the equivocal language of lord North in 1778, to which the present case bore a close analogy, and considered the circumstances that followed, he was not sure but the message might be a temporary artifice to delude the nation. The supposition might seem uncandid, but similar tricks he had seen employed. So far he believed in the transmigration of souls, as to think that ministers were actuated by the views and principles of their predecessors. He would be inexcusable were he to place implicit confidence in the professions of any ministers, when he had seen so many proofs of their insincerity. They might wish to get quietly over a session, or to prepare for a general election. With respect to the late successes of the Austrians, on which they laid so much stress, it proved nothing, for he had early laid down as a proposition, that whenever the French crossed the Rhine on the one hand, or the Austrians crossed it on the other, not much good could be expected to arise from the future operations of the invading party; for as an army got remote from home, it became timid in the same proportion as it was irresistible and energetic in its own country. And hence it was that the bounty of Providence seemed to have marked out the boundaries of every nation, to protect it from the ambition of men. The alarming condition of the country, and the exhausted state of its finances, should induce ministers unequivocally to show a disposition for peace. If they asked what sort of a peace, he would say a good peace, without mentioning the word glorious. If they required indemnity and security, had they not indemnity in the Cape of Good Hope, Demerary, and Ceylon? But if even these were to be surrendered, if such a measure procured peace, so far from his embarrassing ministers, they should not want his support. For if Holland was restored by the French, he did not see that it would be repugnant to the interests or the honour of the nation to give up the Cape of Good Hope. The object of the country was tranquillity, and when that arrived he should not only deem it a happy but a good peace. As to indemnity, he had no hesitation in saying that a few years of industry would be far beyond all the indemnification we could derive from our acquisitions.

Lord *Grenville* said, he had heard that from the noble marquis, which, as often as he heard, he would rise to contradict, namely, that we were the aggressors in the war. He would ever maintain, that the conduct of our enemies was such as left not peace or war a matter of choice; but of necessity they were compelled to adopt the latter. The noble marquis had expressed his doubts of the sincerity of ministers. Why he should doubt their sincerity, he knew not: the best answer he could give him should be, in the very words of the address, that the first moment of pacification would be taken, when terms could be had, consistent with the safety, honour, and dignity of the nation.

The Earl of *Lauderdale* was happy that at length ministers had come to that point to which he and his friends had laboured to bring them. He was not sure that this concession was not made to evade the propositions which his friends had meant to press upon them. If the right hon. gentleman at the head of the finances had the smallest knowledge that the order of things mentioned in the message was arrived, or that such was the opinion of the cabinet, he deserved to be impeached.

Lord *Mulgrave* said, that in his mind there never had yet been a time which held out such a prospect of approaching peace, both from the situation of this country, and the embarrassments of the enemy, as the present. The war had always appeared to him a just, necessary, and purely defensive war. The conduct of it, or the terms upon which peace could be made, he would abstain from entering upon. He wished that other noble lords had so acted, and had not made allusions to points that could not tend to promote the unanimity so much desired. If he could judge from appearances, the noble lords in opposition seemed not to entertain the same avidity for peace, now that it seemed to be at hand, which they did, when the prospect of it was much more remote.

The Duke of *Leeds* said, it was agreed on all hands that peace was a most desirable object, and any thing that could impede its arrival, he conceived to be highly

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injudicious. He always thought the war was a war of aggression on the part of France, and that it was absolutely impossible for this country to keep out of it. He was fully convinced of the necessity of peace, upon such terms as were consistent with the interests and honour of the country, and would therefore vote for the address.

The Address was agreed to.

Dec. 14. Earl *Fitzwilliam* said, that he ought to apologise to the House for not having been present, when the subject to which he was now desirous of calling their attention, had come regularly before them. He was then at a distance in the country, but immediately on hearing its contents he had come to fulfil what he felt to be an urgent and indispensable call of duty, in delivering his sentiments on the message. The present war was of a nature different from all common wars. It was commenced, not from any of the ordinary motives of policy and ambition. It was expressly undertaken, to restore order to France, and to effect the destruction of the abominable system that prevailed in that country. Upon this understanding it was, that he had separated from some of those with whom he had long acted in politics, and with other noble friends, had lent aid to his majesty's ministers. Upon this understanding he had filled that situation, which he some time since held in the cabinet. Knowing, then, on such authority, the object of the war to have been to restore order in France, he was somewhat surprised at the declaration in the message, that his majesty was now ready to treat with France. When he looked to the actual situation of France, he saw no change of circumstances, which could justify such a declaration consistently with that object for which the war was undertaken. He could regard it in no other light, than as an entire departure from the principle on which the war had been commenced. His lordship then proceeded to examine what other motives might be assigned for the war, besides that which he had mentioned. If it had been a war for any common object, it could not have been protracted to such length, and even at an earlier period might have been concluded upon terms much more advantageous than at present. If it had been a war merely for the protection of our allies, all interest in carrying it on must have ceased, when Flanders and Holland had fallen into the hands of the enemy, and the latter had concluded a treaty of alliance with France. If it had been a war for aggrandisement, or extension of territory, we might have treated with much more advantage at the period when the Austrians had made such progress in the French territories, or when we ourselves had got such large acquisitions in the West Indies. We might then have made much more brilliant terms than we could possibly expect in the present moment. But it was alleged, that the present government in France, was the only one which had sufficient power to make a negociation. Of the present government ministers as yet had had but a short experience: and former governments, while they lasted, had not shown any want of the necessary authority for the objects of executive administration. Was the present government in France so materially altered in its nature and construction, as all at once to produce that crisis which the message described? In its principle, he affirmed it to be precisely the same as those which had preceded it. It was still a pure unqualified democracy, containing the seeds of dissention and anarchy, and affording no security for religion, property, or order. What was the character of the men of whom that government was composed? Were they not the very men who had been instrumental in producing those scenes of anarchy and blood, which originally had occasioned the war? Would his friends so entirely divest themselves of those feelings which induced them to lend their support to the war, as to be ready to go into an alliance with the men, against whose power they had united to make a stand? Would that noble lord (Grenville), who had made so pathetic and forcible an address to the House on the murder of the French monarch, now join hands with his assassins, when they had aggravated their guilt by embruing their hands in the blood of his unhappy queen, and his innocent sister? Upon these grounds, he disapproved of the message and the address.

Proceedings in the Commons respecting Mr. Reeves's Libel on the British Constitution.] November 23. Mr. Sturt, in this day presenting to the House a petition signed by 12,113 persons, purporting to be the petition of the London Corres-

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ponding Society against the treason and sedition bills, justified that society from the aspersions thrown out against them and their writings; and to prove that things at least as exceptionable had appeared from the partisans of the ministry, he read to the House several passages from a pamphlet, intituled, "Thoughts on the English Government," said to be written by Mr Reeves, the framer and president of the Association against Republicans and Levellers, and among others the following:

"With the exception of the advice and consent of the two Houses of Parliament, and the interposition of juries, the government, and the administration of it in all its parts, may be said to rest wholly and solely on the king, and those appointed by him. Those two adjuncts of parliament and juries are subsidiary and occasional: but the king's power is a substantive one, always visible and active. By his officers, and in his name, every thing is transacted that relates to the peace of the realm and the protection of the subject. The subject feels this, and acknowledges with thankfulness a superintending sovereignty, which alone is congenial to the sentiments and temper of Englishmen. In fine, the government of England is a monarchy; the monarchy is the ancient stock from which have sprung those goodly branches of the legislature, the Lords and Commons, that at the same time give ornament to the tree, and afford shelter to those who seek protection under it. But these are still only branches, and derive their origin and their nutriment from their common parent; they may be lopped off, and the tree is a tree still; shorn, indeed, of its honours, but not like them, cast into the fire. The kingly government may go on in all its functions, without Lords or Commons, it has heretofore done so for years together, and in our times it does so during every recess of parliament; but without the king, his parliament is no more. The king, therefore, alone it is who necessarily subsists without change or diminution; and from him alone we unceasingly derive the protection of law and government."

Mr. Sturt then moved, that the House do order the attorney-general to prosecute the author of the said pamphlet.

The *Speaker* said, that the motion could not be made in that form. The hon. member must first make his complaint, and then move that the passage complained of be read by the clerk.

Mr. *Pitt* said, he would not say a word upon the merits or demerits of the pamphlet, but he called upon the House to decide whether they ought to sacrifice the important subject of discussion, which was expected to occupy the attention of the House a great part of the evening, to a subject of inferior moment, which had accidentally occurred. He therefore moved, "That the Orders of the day be now read."

Mr. *Jekyll* hoped there was still enough of honour and independence in a British jury, and virtue sufficient in English judges, to bring the author to condign punishment. The question was not, whether the House of Commons ought to be calumniated, but whether it ought to be lopped off as an excrescence. He spoke on the ground of privilege, and therefore the question which he spoke to was entitled to the priority of every other discussion. He appealed to the highest authority of the House if he was not perfectly in order.

The *Speaker* said, that questions of privilege certainly claimed a precedence in discussion, and all that was necessary to be done at present, was for the House to consider whether it was a question of privilege.

Mr. *Erskine*, taking for granted that the passage quoted from Mr. Reeves's pamphlet was a libel, argued either that it was a question of privilege, or that it was not. If it was not, he contended that it was prejudging the case to direct the king's attorney-general to file any information he had received against the libeller. But if it was a libel (and if it was not, he knew not what was, for not only the constitution, but the very existence of the House of Commons was represented as a matter of little or no concern), the only point to be settled was, whether a libel upon the House of Commons was or was not a question of privilege. Here Mr. Erskine referred to the instance of the king against Stockdale, in which the attorney-general was directed to prosecute Stockdale* for a breach of privilege of the House, not very dissimilar from the present. The Speaker had

* See Vol. 27. p. 11. And for the Trial of Stockdale, for the said Libel on the House of Commons, see Howell's State Trials, vol. 22, p. 237.

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given a decided opinion on the point, that a question of privilege claimed a priority of discussion. The chancellor of the exchequer, on the other hand, had pressed the importance of the bill about to be discussed, as if the people of England were more anxious to have their liberties taken away than to preserve the very existence of the right of representation; a position which that right hon. gentlemen might endeavour to palm upon the House, but which would require much more ingenuity of argument than he could command to render it palatable.

Mr. *Pitt* said, he did not mean to argue upon any of the sentiments contained in the pamphlet; the leading consideration was, whether it was a breach of privilege or not? And, if it was, he thought, instead of recommending the attorney-general to prosecute, the House should vindicate its privileges by acts of its own. However, he was at present for passing to the order of the day.

Mr. *Fox* considered the objection which had been started by the chancellor of the exchequer as the strangest he had ever heard. A member of parliament had complained of a breach of privilege; and because an informal remedy had been proposed by a single individual, was this to alter the fact *in limine*? But the great object was to get forward to the order of the day. How differently did ministers feel on the code of liberty, and on the code of despotism! The Corresponding Societies came forward with spirit in the cause of parliamentary reform, and a few paltry libels were published; the Habeas Corpus act was immediately suspended, indictments for high treason were drawn up, new treasons enacted, and the bill of rights repealed. A more atrocious libel than any that had been published had appeared from the pen of a ministerial hireling against the House of Commons, and the motion which was made was the orders of the day! Though he was no friend to prosecutions for opinion, yet, in the present instance, he called upon the House to come forward in vindication of their privilege, their dignity, and their existence.

Mr. Serjeant *Adair* said, that, although the present discussion was rather untimely, he could not vote for the order of the day, when a subject came before the House which no one could doubt was a breach of privilege of the grossest nature. He could not tamely hear it asserted, that the House of Commons could be lopped off, and that government might go on with its wonted vigour. So different was his opinion, that he was convinced the monarchy of the country could not go on an hour without the House of Commons, without the existence and practical exercise of those doctrines which placed the monarch of the country on the throne. The publication in question was clearly a breach of privilege; and the best way of coming to the order of the day, would be to have the pamphlet first read, that the House might determine upon it.

Mr. *Pitt* said, that no complaint of a breach of privilege had been made. There could be no doubt of the order which the rules of the House authorized where such a complaint was formally stated; but as the customary mode of introducing the subject had been neglected, it ought not to be taken up in preference to the order of the day.

Mr. *Sheridan* said, it was easy to get rid of the dilemma which the right hon. gentleman had made out. In order, therefore, to remove the punctilio devised by the political special pleader, he would move that the particular passage be taken down; which being done, he urged the propriety of an immediate discussion.

The *Attorney General* said, that before he could decide upon the passage in question, he should think it became him, as a jury would do, to read the whole book, in order to see whether the context qualified the argument complained of as a breach of privilege.

Mr. *Windham* (secretary at war) said, that after hearing the passage read, he was not prepared to deliver his mind upon it; but it was not conformable to the interpretation given it by gentlemen. As far as he was then prepared to decide on it, it might be perfectly innocent. It was, he thought, merely the opinion or declaration of an antiquarian or historian, speaking his sentiments of the British constitution. It merely meant, that monarchy was antecedent to the other parts of the constitution, and might possibly survive or subsist without them. It was merely such an opinion as an historian might give of any form of polity: possibly it was wrong; but, however, he imagined, that there was not in the context any thing to justify gentlemen in so severely attacking it. He was persuaded, that if it were tried before that tribunal which gentlemen sentenced it to, there was not

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sufficient to condemn it. With respect to the person who was said to be the author, very indecent language had been used, but the gentlemen who so traduced his character had good reason: he had incurred their displeasure, in proportion as he had gained the good will of the country. He hoped neither the House nor the country would forget his exertions in 1792. If they did, they were ungrateful. Mr. Reves was a man holding a respectable place under government, and receiving the rewards of honourable services: his conduct was approved by the greater, and, he was sure, the better part of the nation. The gentlemen opposite charged ministers with being slow in calling libellers to justice; they argued as if the constitution was overturned by a single libel; but they felt no apprehension from all the libels of the societies, though their professed object was the ruin of the constitution. These were the errors of liberty to be sure. But though their avowed intention was the subversion of all order and government, there were none of these alarms felt by gentlemen opposite. Except the single libel of Paine, there was not one acknowledged by the opposition to be unconstitutional. Gentlemen affected to feel sore, that Lords and Commons were arraigned in the publication alluded to, though they never before evinced the smallest sensibility about all the calumny which the societies had heaped upon parliament. Even in the speeches of many of the gentlemen opposite, he and his friends had been distinctly arraigned; but he wished the country to judge, whether there was more despotism in the ministry, or anarchy in the opposition. He knew well their motive for traducing Mr. Reeves, and other active magistrates, and especially those of Westminster. Their designs were clearly developed, and their zeal after their former supineness well understood. If the charge amounted to a breach of privilege, it might be tried; but, as far as he could judge, the sentiment was innocent, and by no means justified the commentaries bestowed upon it.

General *Smith* said, he believed the right hon. gentleman was the only man in the House who would venture to declare sentiments so derogatory to the constitution and the privileges of that House. Having heard the right hon. gentleman on other occasions, when the liberties of his country hung on his tongue with honied eloquence; when he heard him now maintain the utter subversion of it, he could not help exclaiming,

"Who would not laugh if such a man there be;
"Who would not weep if Atticus were he!"

Mr. *Hardinge* said, that he was equally astonished and shocked, at the doubt which had been entertained by his right hon. friend upon the sense of these words detached from their context and standing by themselves. That he would protest against the doubt, though he loved and revered the man. That in his view, a libel more gross upon the House of Commons, could not be imagined. That he thought no context would, or could, explain it away so as to make the words less criminal; but that upon general principles, it was a debt of justice to read and examine the whole book. This would be the duty of those who were to sit upon it in judgment, if it should be accused in a legal form; and he hoped the juries of England would ever exercise the right of judging for themselves, upon the seditious tendency of all published words, instead of assuming the sedition because the accuser imputed it. That he should protest equally against another topic in his right hon. friend's argument, which he thought injurious to the public spirit of the House, namely, a panegyric upon the man, when the act was to be considered. This he had reprobated in the case of Mr. Hastings, and would never see it again attempted without resisting it.

Mr. *Grey* said, that he had heard shocking things from the secretary at war, though when compared with his conduct they ceased to be surprising. That furious reprobation of his old friends corresponded with the new principles he had adopted. The conduct of the right hon. secretary clearly showed that with him the monarchy was every thing. From such sentiments avowed in the cabinet, the country might judge where the treason existed. The right hon. gentleman complains of the indecency of attacking absent characters. Yet this tenderness for absent characters was with the right hon. gentleman a novelty. The author of this libel was entitled to candour and to indulgence.—It was only an historical fact for the discussion of antiquaries. Had citizen Lee, however, stated that democracy was the root, and monarchy only an excrescence, what would the right hon. gentleman have said?

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Would he not have pronounced it treason? Should we not have heard it was copying the French? And had the words lop off been employed, it would instantly have associated all those ideas, and produced those descriptions which the right hon. gentleman's warmth of fancy conjured up in such glowing colours. An antiquarian or historian, the right hon. gentleman had said, might be exceedingly doubtful whether the Lords and Commons had not been mere branches from the root of monarchy. After language so extraordinary, all his doubts at length vanish, and he thought proper to assert, without qualification or explanation, that the passage, as it stood without any qualification from the context, was perfectly innocent. He hoped the right hon. gentleman would have the courage to support his opinion, and to defend the pamphlet in question. The right hon. gentleman had thought proper to ascribe their hatred to Mr. Reeves to his conduct in 1792, and to date their desire to run him down from that period. For his own part, he was ready to confess that the conduct of that gentleman, in 1792, did not much recommend him to his good opinion; and those persons who had been misled by Mr. Reeves, and induced to follow similar conduct and adopt similar opinions with him, lamented their acquiescence, as they saw, at this time, the measures that were produced in consequence. The right hon. gentleman had triumphantly asked, why they did not prosecute the Corresponding Society, and other seditious writers, as well as this libeller of the House of Commons. The right hon. gentleman might be answered, that to look to pamphlets was not their general system; their object was to look to government, to watch their measures with jealousy; but, on the other hand, when ministers were dealing out prosecutions in the gross, and in some cases stretching the laws beyond their tone, they had suffered this daring breach of privilege and libel on the constitution to go without punishment; a libel, too, which was as much directed against the safety of the monarch, as against any other branch of the constitution. Before he sat down, he begged leave again to ask the right hon. gentleman, whether he would manfully and daringly, without construction, reservation, amendment, or qualification, by reasoning, and by his vote, at another time, support the opinions and sentiments which he had maintained that night? Mr. Grey concluded by declaring Mr. Reeves's pamphlet to be a most dangerous libel, and a libel seditiously and malignantly aimed at the safety of the monarch.

Mr. *Windham* believed his declaration had been, that he was not prepared definitively to give an opinion upon the extract; but as far as his judgment went, he thought one of the passages selected only stated an historical fact, "that the Lords and Commons were branches from the monarchy," and the other, what might possibly be a fact, "that the monarchy could subsist without these branches."

The *Solicitor General* said, that when it was stated that the extract amounted to a breach of privilege, it struck him that it was incumbent on the House to have the pamphlet read. He hoped, therefore, that the motion would be withdrawn until that was done.

Mr. *Brandling* thought the passage a gross attack on the privileges of parliament, but he could not agree that the consideration of the subject ought to supersede the other business before the House.

Mr. *Lambton* said, he could not conceal his surprise, after what he had formerly heard from the secretary at war, that he should that day avow himself the assassin of liberty. The right hon. gentleman affected a surprise that the House should be roused at this solitary instance of an attack upon the constitution. Was it a solitary instance? If it came there a solitary instance, it had found an auxiliary in one high in trust and office. Was the instance solitary, when two bills had been introduced, the one making an intention an overt act of treason, and the other directly subversive of the Bill of Rights?

Mr. *Fox* said, he was always sorry when he felt himself obliged to arraign the general character of any man: but of Mr. Reeves he must say, that he never could mention him with respect, since he had seen in the public prints a letter respecting him from Mr. Law. He asked, was this a solitary libel? He always doubted the wisdom of prosecuting for opinions; but when opinions were made the grounds for the alarming bills then pending, it was for the House to consider, whether they ought not to hold this libel in equal abhorrence with any that ever came before them. He proposed merely that the

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House should publicly declare the sentiments they entertained of that atrocious libel. Ought it to go out into the world, that a gentleman of distinguished talents, and of great influence in the cabinet, held the doctrine which this passage inculcated? If he adhered to that opinion, it was a demonstration that a settled plan of overthrowing the liberties of the people was entertained. He hoped the House would come to no opinion on the passage, till they had heard the context, and that they would agree to the reading of the whole pamphlet.

Mr. *Barham* gave it as his opinion, that the secretary at war had not expressly maintained any doctrine whatever. If he had done so, he ought to repeat it; if not, his accusers should be refuted. If he seriously maintained the alleged doctrine, whatever respect, nay, whatever admiration he generally felt for him, he would move for his expulsion; so convinced was he, that such doctrines as were stated in the passages cited, would tend, if unchecked, to the annihilation of the constitution.

Mr. *Stanley* said, there was a statute now in being, which declared, that if any one shall maintain that one part of the legislature shall be capable of any act of legislation without the concurrence of the other component parts, the person maintaining a doctrine so unconstitutional, shall be adjudged guilty of treason, and suffer the pains of death.

Mr. *Windham* declared he could not help smiling at the attempt to impute treason to him. His conscience told him he was a faithful and loyal subject; with that he was satisfied, and there he would rest. He declared he had given no opinion at all; and they must be subtile arguers indeed, who could attach criminality to him for what he did not say. "The very head and front of his offending had this extent, no more."—He had denied that the passage would bear the interpretation which gentlemen gave it. They were at liberty, certainly, to give it what interpretation they pleased, and to argue upon the construction which they chose to put upon it; that, and that only, was the point which he contended.

Mr. *Fox* declared, he anxiously wished to divest the matter of all obscurity. Did not the right hon. gentleman, he begged to ask, distinctly state, that the passage quoted was innocent and harmless?

Mr. *Windham* said, that the attack made upon him was invidious. He had not asserted that the passage quoted was harmless, or that it was not a libel; he had only said, that the passage did not appear to him to warrant the interpretation put upon it. He had heard it that day for the first time, and what followed the extract was not at the moment in his view. He was not considering what would be the proper form of government in England; he had only said, that the sentiment was innocent, inasmuch as it stated, what had been, and what might be, namely, that the other branches were derived from the monarchy, and that the monarchy might subsist without them. Did gentlemen think him such a fool as to contend, that the British constitution could exist without Lords or Commons? It was a most fallacious absurdity to suppose that he would waste words in attempting to support nonsense. No; he did not say the constitution could subsist, but that monarchy could subsist singly; and surely history bore him out in the opinion, though it by no means proved, nor had he the smallest idea of insinuating, that the same free government could prevail under monarchy as under a mixed constitution.

Mr. *Fox* rose to express his indignation at the explanation, or rather evasion, for so he thought it, he had just heard. Shame upon the man who could so veer and twist about! This book applied to the British monarchy only, and those who supported it could only mean the British monarchy; they must mean that, or they must mean nothing.

Mr. *M. A. Taylor* declared that such doctrines, coming from a member of administration, gave him a bad opinion of the measures they were bringing forward. He trusted, however, that the spirit of the country would successfully oppose them. The right hon. secretary had called the opposition unprincipled. Had he forgot on which side of the House he sat three years ago, when he vociferously declaimed against the chancellor of the exchequer? Mr. Taylor declared, that to rebut the charge brought against his party, he would take care to publish the apostacy of the secretary at war: he would show him and the world his former speeches, in one of which he made the memorable assertion of the chancellor of the exchequer, that "he had thrown off the mask."

The *Master of the Rolls* said, the proper way would be to adjourn the debate,

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and to consider on a future day, whether there was ground for prosecution or not.

Mr. *Fox* contended, that the whole of the pamphlet should be read; he was convinced, from the parts of it he had read, that the House would be more confirmed of its unconstitutional and libellous tendency, when they heard the whole of it.

The motion for reading the orders of the day was withdrawn. Then the said pamphlet was delivered in at the table and read. After which,

Mr. *Sheridan* said, that he supposed, as the House had just heard the pamphlet read, it would be wholly unnecessary for him to use any arguments to prove that it was the foulest, the falsest, the dullest, and the most malicious libel that had ever come under the cognizance of the House. The author was not content with rashly defaming the constitution, and outraging its principles; but he obviously wished to attribute every departure from both to the conduct of the Whigs. It would be idle in him to enter into a detail of the various objectionable passages in the book, which, so far from extenuating, heightened and aggravated the criminality of the leading paragraph. Should it be urged, that it required time to deliberate, he would not press a motion that night to a decision, but content himself with announcing the pamphlet to be a libel, and calling on the House at a future day to apply a punishment for it. If the author was a man of importance enough he ought to be impeached; though when it was considered that he was the mouthpiece of government, and chairman of the association, which originated and circulated those alarms about French principles, that had contributed so much to the unhappy state in which the country stood at that moment, he could not be considered in a light point of view. The libel was unquestionably much more deserving of impeachment than that which Sacheverell wrote, and for which he was impeached. The motion he intended to make, he would therefore put into the words used on the case of Sacheverell,* viz. "That the said pamphlet is a malicious, scandalous, and seditious libel, containing matter tending to create jealousies and divisions among his majesty's subjects; to alienate their affections from our present form of government, as established in King, Lords, and Commons; and to subvert the true principles of our free constitution; and that the said pamphlet is a high breach of the privileges of this House."

The *Master of the Rolls* said, he was not ready to give an opinion on the pamphlet: he was, however, convinced of what he had before said, that the reading the pamphlet would not have the effect of completely satisfying the minds of the House: and it would ill become them, on such grounds as the bare reading of it by the officer of the House afforded, to found so very grave a resolution. He would not then say a syllable as to the merit or demerit of the pamphlet; but own, that the paragraph did not in the reading of it, sound entirely constitutional. The only part, however, for consideration was, the passage or extract complained of; the rest was only to be considered as a qualification of it; and the House was not at liberty, in discussing the subject, to talk of any particular gentleman as the author of it; as it did not appear, upon the face of it, who was the author. If the words he had heard read were not qualified by context, with the parts antecedent or subsequent, he would be the first to vote a censure. To determine that any censure at all was or was not due, it was absolutely necessary for him to read the pamphlet. He would therefore move, "That the debate be adjourned till Thursday."

Mr. *Pitt* concurred in opinion with his learned friend. If it was clearly the tendency of the pamphlet to inculcate such doctrines as those imputed to it, he would not hesitate to say that the House ought to treat it with censure and reprobation. If it asserted that the king could govern without the other two branches of the constitution, there could be in that House but one voice upon the matter. But when it appeared that there were many passages in the pamphlet which stated the impossibility of the king's exercising the functions of government without the co-operation of the two other parts, it would surely be worth the while of the House to pause and consider whether, on taking the whole of the book together, there would be ground enough to warrant a prosecution.

Mr. *Erskine* said, he should have been surprised at hearing a proposal come from any member, who had heard the pamphlet read, and had valued the privileges of the House, to postpone the deliberation:

* See Vol. 6, p. 806.

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but it struck him as singular indeed, that a gentleman so learned in the law as the master of the rolls, could not make up his mind upon the tendency of what the House had heard; a gentleman who, from his practice, was in the daily habit of making up his mind upon subjects infinitely more intricate than the present. The question was, whether the paragraph which had been originally complained of, was or was not a libel upon the House of Commons? and he admitted that, in examining the pamphlet, the intention of the author should be taken altogether. When he heard the paragraph alluded to read, he formed an opinion, exactly as a learned gentleman had stated his to be, viz. that it would be difficult indeed for any context to explain the meaning, so as to manifest the intention of the author to be innocent: so much, however, did he wish that an opportunity of explaining it might present itself, that he had attended patiently to the reading of the whole book, and having done so, he must declare it to be, in his opinion, a daring and atrocious libel. Any man who would maintain a contrary proposition, he had no scruple to pronounce ignorant of the laws of the land. If other members had not attended to it; if, from indolence or from a negligent disposition, they had slept upon their posts, it was their own fault; they had deserted their duty, and betrayed their constituents, by making their own negligence an excuse for not protecting the honour of the House. How was it possible that a man so familiar with professional matters as the Master of the rolls should be ignorant of the nature of such a pamphlet as that which the House had heard read? How could he for a moment doubt whether it was a libel on that House, and on the Revolution of 1688? So fully was his own mind made up on the subject, that he would not hesitate, even on the instant, to declare, that were he a juror, sworn to try the author, he would, without going out of court pronounce him guilty. He was surprised that gentlemen felt any difficulty upon a point so plain and palpable. Gentlemen should beware how they indulged their inclinations to screen men who traduced the principles of the Revolution, in which the people of this country gloried, and so justly gloried. They should recollect, that action produced reaction. The people of this country felt the insults that had been so often offered to them. They were proceeding to act as their ancestors did; and if that House, in its intemperance and folly, should carlessly pass these insults on the Revolution, the consequences would be dreadful; more especially as they were proceeding with bills founded on principles utterly subversive of every thing for which the Revolution was dear to the people. Such libels which the authors conceived to be sanctioned by government, occasioned answers in reply: this action and reaction naturally and necessarily produced consequences that kept the public in a ferment; they excited that bitterness and asperity of feeling in the country that occasioned that detestable and damnable system of pretended plots without doors, and of projects against the liberties of Englishmen within, that tended to undermine the foundation of social order, and alienated the affections of the people from the government. He called to the recollection of ministers the circumstances and conduct that brought Charles 1st to the block, and cautioned them to beware how they refused to pay due deference to the petitions of the people.—The author of the pamphlet had spoken contemptuously of the Revolution: he had stated it as a measure brought about by plots and conspiracies: he had said, that it was brought about by dividing men into different classes: he had represented the people of England then to be, what such miserable shallow politicians as the author wished to make them at present, by the aid of pensions, douceurs, and bribes; men capable of relishing the sentiments of despotism to serve the purpose of certain leaders—to make those of high rank league together to reprobate the principles of liberty. This wretched pamphleteer had traduced the proceedings of those who put the crown on the head of the House of Brunswick—that crown worn by his majesty. What this ignorant man meant, it was for the House, by their determination upon his publication, to declare. This had been declared by a former House of Commons in the case of Dr. Sacheverell. The doctrine of that person was voted to be scandalous and libellous against the sovereign then upon the throne, and against the Protestant succession, as by law established. That important event—an event so interesting and so advantageous to every Englishman—the author of this book said was vulgarly called a revolution, and was only called so by Whigs

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who waited for another, and therefore was not at this time to be spoken of as a revolution. Was this language to be tolerated by a House of Commons, that pretended to have any esteem for the principles of that Revolution? The House ought to be very cautious how they suffered slanders on that Revolution to pass unnoticed. The people of England were so much, and thank God! so firmly attached to the principles then established, that he was convinced they were determined to live or die under those principles. He was one of that description: and he hoped he should be found among the number of those who would show, if necessary, not by words, but by acts, that they would die before they would submit to any attempt to make a king absolute in England.—It had been said that the doctrine, that a monarchy might exist without a parliament, might apply to some other monarchy, and not of necessity to our monarchy. Would any man say upon his honour, that he believed that to be the intention of the author of the pamphlet? Would any man stand up and say, that he wished the debate to be adjourned, in order to make up his mind upon that point? Would the House delay its decision upon such a question as that, and show a partiality for those who libelled the constitution, while they themselves were abetting and supporting his majesty's ministers in hurrying through the House two bills that had a tendency to destroy the principles of the constitution; and that at a time too, when they themselves knew the sentiments of the people were against the bills, about to be passed? When they knew that, with all the ardour which belonged to the affection with which they loved the Revolution of 1688, and the principles which were then established, would they take advantage of the temporary circumstance of an insult offered to his majesty, and the expressions of indignation which the people uttered upon that occasion, and pretend to say, that what they then expressed amounted to an acquiescence in the principles which ministers at this time maintained? If they did, he must tell them, that they would thereby render his majesty's life precarious, and the government insecure. He would maintain, that if ministers expected to be supported in such principles by the people, they would be deceived in the sequel. They would find that the people of England detested such principles. That the voice of the people was against them was evident [a cry of "No such thing" from the opposite side]. Sure he was, that if such measures were persisted in, the people would rise against them: and then ministers would, he had no doubt, lay hold of some subterfuge, and endeavour to sneak out of their difficulty, as they had done on other occasions. He knew the press would be set to work to defend them in the usual way, and they would no doubt be treated with another pamphlet from the ingenious author of that under consideration. What a glorious representation of the people of England would that House appear to be, if they passed by a pamphlet which had been read to them that night, in which they were represented only as a mere counsel for the crown, and that in this consisted their greatest utility; that all the vigour and energy which they were said to possess, as an emanation from the people, was a mere chimera; for such was the object of the author in the publication of his book; a book brought forward to support the principles of kingly government, which thank God, Englishmen got rid of! and they must get rid of it again, if men of high rank and station should, with arms in their hands, attempt to establish it against the public voice, as had more than once been hinted.—Mr. Erskine said, the debate of that night, and what had lately happened, would have convinced him, if he had stood in need of conviction, how inscrutable the ways of Providence were; they seemed always intended to counteract the prognostics of men, in order to teach us prudence and patience. The higher orders of the people in this country, he had once thought had resolved to carry on the detestable doctrines contained in the book before the House and the principles of the bills depending, so that the people would have no hope but in the desperate alternative of either submitting to slavery, or attempting a remedy by force; that all the elements of society would be decompounded. He thanked God, his apprehension on that point was nearly at an end, from the manner in which many of the higher ranks had stood forth in the cause of liberty, and, by their conduct, had given the lie direct to the many insinuations that had gone forth against them. This proved that there were in the country men of high character who espoused the cause of liberty and of the people, and who were determined to sup-

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port it at the hazard of their lives. What would be the consequence? The people would return to the standard of affection to the legislature. If, unfortunately their efforts should fail, and the people's rights should be disregarded, he would then say, in the language of a gentleman (Mr. Burke) who was no longer a member of that House, "When you put the sovereign against the people, they will cast your sovereignty in your face; nobody will be argued into slavery."—The author of the pamphlet under consideration was a member of the law; but he did not he said, choose to treat him as a lawyer, and therefore he should not state the book as the work of Mr. Reeves, but take it as if it had been the work of any other person of whom he had previously known nothing. He should only say, that the House should be aware how they gave the book their *imprimatur*. If they voted that the book was no libel, it would appear clear to the public they did so, because it was supposed to be in favour of the crown against the rights of the people. And here he must tell the attorney-general, of whose ability, integrity, and candour, no man could entertain a higher opinion, that if he went into the court of King's-bench with this book, and called for the verdict of a jury on it, they would not desire that time to deliberate upon it which the House seemed to wish.

Mr. Serjeant *Adair* said, that the time proposed by the amendment was too short to enable any gentleman to form an opinion upon the subject. He was among those who entertained doubts as to the real intention of the author. With regard to that part of the pamphlet which had been originally complained of, he had no doubt of its being a libel on that House. He said he differed from the secretary at war totally. He could not admit that it was historically correct, that the monarchy of this country was at any time antecedent to its constitution. He also defied any one to prove that the monarch could carry on the government without the great council of the nation; and he rejected with disdain the idea that the monarch of this country could carry on the government without the aid of parliament. It was a doctrine not to be tolerated for a single moment; and he believed it would be difficult for any context to explain, in the author's favour, the paragraph complained of.

Mr. *Fox* said, it had been asked, why the consideration of the pamphlet had not been brought on before? In answer to which, he begged leave to say, that he did not know whether he should have brought it on at all, He conceived that dangerous opinions might be stated in a publication, and that yet it might not be of consequence to prosecute the author. But when such a publication as the present was brought forward in that House, it was incumbent on them to show that they were not parties to libels upon the constitution, nor the patrons of those by whom such libels were circulated. The existence of the Treason and Sedition bills formed another ground why this publication should not be passed by; for if it was found that arbitrary doctrines were recommended in the pamphlet, and that arbitrary measures were in the course of being adopted by ministers, it of consequence followed, that the House should not subscribe to the opinion of the secretary of war, that the passage in the pamphlet referred to was apparently innocent. The learned gentleman admitted the publication to be a libel on the constitution, and yet he avowed himself an advocate for delay. Why did he not narrow his condemnation to the doctrines contained in that particular passage. Notwithstanding all the partiality of ministers for arbitrary power, he did not believe that many of their advocates would come forward to support those doctrines. A delay, then, was on their part desirable, in order that they might concert what defence could be set up for the passage, in all probability the production of one of their own agents. Was this exceptionable passage so long, was it so doubtful, that, after having heard it once read, the House could have any hesitation with respect to its tendency? Did ministers wish for the delay of a few days, in order to give notice to the author of the libel to get out of the way? Did they wish for time, in their distressed situation, in order to reconcile, by some strain of construction, some contortion and twisting of the sense of other parts of the pamphlet, this defence of the passage with the declaration set up by the secretary at war, that it was perfectly innocent? It was, Mr. Fox declared, a libel of a more dangerous nature and a worse tendency, than any that had been issued by the Constitutional and Corresponding Societies. It was not difficult, however, to perceive the tenderness of

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ministers for this libeller on the House of Commons, nor to penetrate into the motives of their conduct; and it was surely a bad omen for the country, that while such dispositions were manifested, it should be urged, that not a moment was to be lost in coming to a decision on bills, which, under the pretence of giving greater security to his majesty's person, were in reality, calculated to strengthen the hands of government, and overturn the priviliges of the constitution.

The *Attorney-General* said, it did not become him to give any opinion as to the nature of the pamphlet, but to receive the instructions of the House. On a principle of justice to the unknown individual, and from regard to their own dignity, he must, however, vote for the adjournment. That House was the grand inquest of the nation. It had been found, in former instances of complaints sent from the House, that a jury, after a long investigation of the facts charged, differed in opinion and acquitted the party prosecuted. After all the attention which he had given to the pamphlet, he could not, if he was called upon on the sudden, give an opinion whether he should think it adviseable to prosecute or not.

The motion, that the debate be adjourned till Thursday, was then agreed to.

Nov. 26. The adjourned debate having been resumed,

Mr. *Sheridan* said, he had not, on a former night, troubled the House with any long comment upon the pamphlet in question, because he thought it his duty to read it first. In the intermediate time, he had read it over with due deliberation; and if he had found it to have only contained a solitary passage, if he had found the passage itself contradicted by the context, or if it had not plainly appeared to him that it was the general wish of the author to libel the constitution of the country, he would not have risen to press the motion, which he submitted to the House on a former night. He had now considered the whole of the pamphlet, and the whole of it manifested the same deliberate malignity, against the constitution. The publication had been ascribed to a man, whose intimate connexion with the government was well known; to a man to whom it had been said by the secretary at war, the national gratitude could not be too much directed; to a man who had been the chairman of that association, which had incited and encouraged associations throughout the country. To that person the pamphlet had been ascribed; but it had been reported to him, since he came into the House, that the assertion of Mr. Reeves being the author of the pamphlet was to be solemnly disavowed. He was glad of it. Mr. Reeves he had formerly known, when he was a member of that Whig Club which was so much reprobated in this pamphlet.

The prominent doctrines maintained in the pamphlet were, 1. That liberty flowed from the king alone. 2. That all security for law and government was derived from the kingly power. 3. That the revolution in 1688 was a fraud and a farce; and that all the people got by it was a Protestant king. 4. That the dissenters were enemies to the country, and ought to be exterminated. 5. That the Whigs were impostors, and had always been either in the pay of the court, or in league with democrats. 6. That a constitutional lawyer was either a knave or a fool. 7. That the verdict of a jury was not a final decision, and was entitled to little or no weight. 8. That the Lords and Commons might be lopped off without injury to the constitution. These doctrines were elaborately argued through the whole of the pamphlet. Of the king it was asserted, that "he makes and executes the laws." In the next page of the pamphlet it was said, that "accordingly the king can enact no laws without the advice and consent, not only of the Lords spiritual and temporal, who are in some sort counsellors of his own choosing, but also of the Commons in parliament assembled." The Lords would, he believed, feel but little obligation to the man who considered them merely as counsellors of the king's own choosing. The author through several passages entered into a history of the Reformation, and seemed to consider it as the source of French principles; and asserted that the Presbyterians, Quakers, &c. were the propagators and promoters of these principles. The author stated, that "Presbyterians, Independents, Commonwealth Men, Fifth Monarchy Men, Anabaptists, Quakers, and other sects and divisions too irksome to be named, all of them, more or less, disciples of the same school, where the sovereignty of the people, and the killing of kings was first brought into system and sanctioned by the dictates of the gospel." Through three whole pages

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he represented the Dissenters to be a race not fit to exist, and as worthy of being exterminated as the Caribs of St. Vincent's, and the Maroons of Jamaica. The authors of the Reformation were considered, by him, as Jacobins, and major Cartwright was compared to Calvin and Beza. Of the Revolution, the author expressed himself in these words: "The abdication of king James 2nd, and the transactions that ensued upon the vacancy thereby made in the throne, compose a very important and curious passage in the history of our government and laws. It has been vulgarly called "the Revolution;" upon what authority I know not; it was not so named by parliament, nor is it a term known to our laws. This term had certainly no better origin than the conversation and pamphlets of the time, where words are used, in a popular and historical sense, without any regard to or thought of technical propriety." To controvert the assertion of so bold and ignorant a writer, would be to insult the understanding of the House.

The pamphlet next proceeded to inveigh against the Whig Club for making the Revolution "a subject for tavern meeting, for congratulation, and for frivolous festivity. To repeat nothing here of the folly in such effervescence of zeal, I wonder, considering the rank and station of some of these persons, that a sense of good breeding and decorum has never suggested to them that so much commemoration of that revolution, repeatedly urged out of all season and measure, cannot sound agreeably in the ears of the sovereign." Gentlemen would therefore observe that the ears of the sovereign were supposed to be offended at the mention of the Revolution that seated his family on the throne, and that "to him such commemoration must convey some insinuation of reproach."—"To these men," (viz. the Dissenters and Whigs) "and to this sinister design," said the author, "we are indebted for the jargon of which I have just complained. They invented the term Revolution to blind and mislead; and they have never ceased repeating it, that they might put the people in mind of making another. But what disappointment and discomfiture must it be to these idolizers of the constitution, supposed to be established at the Revolution, to discover at length, that they have bestowed their applause and affection upon the shreds and patches of old date; and that, if they had lived in those wicked reigns of Charles 2nd and James 2nd they would have enjoyed in theory, though not in practice (and theory of the two, is more considered by modern reformers), as good a constitution as they have had since, with the single exception of a Protestant king." So that, according to this author's doctrine the Revolution had done nothing more for the people of this country than to secure them a Protestant king. With respect to any constitution that had been established by the Revolution, that was a thing utterly unknown. "The government we know, and the laws we know, but the constitution we know not." Having concluded his dissertation upon the Whigs, the author adverted to the persons that had been tried at the Old Bailey: "The designs of these democrats have been fully exposed to the public view, on the trials of some of them last year for high treason; they were then, indeed, acquitted by a jury, but they have since been found guilty by their country." The pamphlet contained a vast variety of other matter, equally offensive with the passages which he had quoted. In the opening of his speech, he had said, that he considered this as part of a system of a set of men who, to screen themselves from punishment, clung to the throne, which they wished to strengthen by any and all means in their power. This assertion he should proceed to prove. Another pamphlet had been published anterior to the present: its title was, "The Example of France a Warning to Great Britain." Its author was Arthur Young, esq. To prove the connexion between pamphlets of this description and persons in pay of government, he should only read the first testimony of approbation annexed to Mr. Young's work. The testimony came from Mr. Reeves, as chairman of the Crown and Anchor Association. It was wonderful to observe the conformity of sentiment between this work of Mr. Young and the pamphlet imputed to Mr. Reeves. The same arguments were urged through both. The first attempted to prove the Commons to be corrupt, and that such a system of corruption was necessary. The second talked of lopping off the Commons. Certainly, if the allegation of corruption could be proved, there would be few who would say that the lopping them off ought not to be tried. Mr. Sheridan read the offensive passage that was complained of in the House be-

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fore, viz. "The government of England is a monarchy: the monarch is the ancient stock from which have sprung those goodly branches of the legislature, the Lords and Commons, that at the same time give ornament to the tree, and afford shelter to those who seek protection under it. But these are still only branches, and derive their origin and their nutriment from their common parent; they may be lopped off, and the tree is a tree still; shorn indeed of its honours, but not, like them, cast into the fire. The kingly government may go on in all its functions without Lords or Commons." How was this to be understood? If the king made all the peers, and the minister pensioned all the commons, then indeed the king would be the common nutriment of both. Mr. Young, who is so partial to the crown, does not neglect also to give a boon to another branch of the legislature. He exempts the members of the House of Commons from all responsibility with respect to the people, and thus frees their shoulders from a most uneasy burden. Other passages in Mr. Young's book were however still greater libels on the British constitution. He says, "to call the House of Commons the representatives of the people is a very inaccurate mode of expression; they ought never to be called by any other name than the House of Commons, to distinguish them from the House of Lords. If they were really the representatives of the people, they might in theory be good, or better; but they would be something else than what they are. But reformers say, they are corrupted and bribed. If they are bribed in order to act wisely, it is an argument against you. If the nature of such an assembly demands to be corrupted, in order to pursue the public good, who but a visionary can wish to remove corruption? Government certainly would have been carried on cheaper, if honesty alone had prompted the House of Commons to act as corruption has induced them. An unequal representation, rotten boroughs, long parliaments, extravagant courts, selfish ministers, and corrupt majorities, are so intimately interwoven with our practical freedom, that it would require better political anatomists than our modern reformers, to show, in fact, that we did not owe our liberty to the identical evils which they want to expunge." What a shocking recital, said Mr. Sheridan, and how abominable the conclusion he has drawn! If such, indeed, be a just account of the state of things, I would rather agree with Mr. Reeves, that the corrupt branches ought to be lopped off, than subscribe to that infamous proposition, that to this very source of corruption we are to trace all our blessings. Speaking of a parliamentary reform, he says, "I know well the result; corruption would be banished from the constitution. In comparing the constitution to a machine that has gone well for a hundred years, perhaps, it is indifferent whether influence (which these reformers call corruption) be termed the dust or the oil of the machine; if it has gone well for a century, and seems, while certain wheels are half covered with dust, to go better than formerly, I would no more allow the dust to be brushed away, than I would allow the oil to be removed. Influence, however, is not the dust, but the oil of the machine; the constitution never went for a moment without influence, and to remove it would be taking away the oil which has given a century of smoothness." Mr. Young, who a few years ago was a violent reformer, and even an advocate for what is called French principles, gentlemen should understand had obtained a salary or pension of 400*l.* per annum from government, and having greased his pen with the oil of corruption, which he calls influence, he has discovered that it is essentially necessary to the welfare of the constitution.

Doctrines such as these, absurd and detestable as they were, would have merited little attention from that House, if it could not be proved that the authors were in the pay of government, and that the doctrines had been recommended by the associations formed under the auspices of government; and this could be proved. It could be proved that pamphlets containing such principles had been printed at the king's press, and circulated through the kingdom by societies patronized by government. The fact was, that endeavours were made to establish corruption as a principle. Calamitous, indeed, was the effect that had been produced by such doctrines; public spirit and public principle were annihilated, and Great Britain presented the strange spectacle of a nation full of private worth, and yet totally destitute of public principle or spirit. This effect was wholly attributed to that execrable principle of corruption upon

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which the government was carried on, and which would at last involve it in destruction. The decay would be rapid; but the fall would have no resemblance to the fall of any other nation. The poison would have penetrated to the vitals, would have cankered and corroded the heart; and the body would fall, internally corrupted and destroyed, though the trunk was, in its outward appearance, still vigorous and blooming. With regard to his motion, it might be a doubt how far the question might be considered as a question of privilege; it was nevertheless his intention, in imitation of the mode adopted in the case of Dr. Sacheverell, to move an amendment to the motion which he had made on a former day. That motion had consisted of the following words:

"That the said pamphlet is a malicious, scandalous, and seditious libel, containing matter tending to create jealousies and divisions among his majesty's loyal subjects; to alienate their affections from our present happy form of government, as established in King, Lords, and Commons, and to subvert the true principles of our free constitution; and that the said pamphlet is a high breach of the privileges of this House." He would move the insertion, after the word "libel," of the following words, "highly reflecting on the glorious Revolution."

The *Solicitor General* said, he should risk no opinion on the case before him, because motives of delicacy restrained him. If any resolution was entered into respecting it by that House, the consequence would be a prosecution: therefore it would be improper for the attorney-general or himself to declare any opinion on the subject. If the imputation was such as was stated by the hon. gentleman, he hoped there would be only one voice about it in the country, and that a jury would find a verdict conformably to the case. Should the House come to any resolution on it, it would be impossible for him or his learned friend to oppose their own discretion to the wisdom of the House. It was obviously his duty and that of his learned friend to examine many pamphlets of this nature, and a more unpleasant task could not fall upon persons in his situation. He only wished to caution the House against adopting any hasty steps. If a prosecution was ordered without proper grounds, the House would be reduced to an awkward situation; and he and his learned friend would be brought into circumstances of considerable difficulty. For if the House were to direct the attorney-general to commence a prosecution against the author of the pamphlet, and his learned friend should not see that there was evidence sufficient to bring home the charge, his address to the jury, instead of sanctioning, would destroy the effect of the resolution of the House of Commons.

The *Attorney General* said, that in what he had to offer, he should consider himself solely in the capacity of a member of parliament. In every case in which he had been called upon to prosecute persons for libels, he had invariably requested the jury to take the whole of the work under their consideration, in order to see if they could, from the whole, impute that intention to the author which would be charged in the indictment; because it was not the thing itself, or the effect produced by it, but the mind of the party which constituted the crime. If the jury should be of that opinion, he should think him a proper object of punishment. Indeed, if the construction which gentlemen had put upon this passage, was that which the author meant to convey, then most unquestionably it was a gross libel; but upon that point he would not give his opinion. He wished, at the same time, to call the attention of the House to one point, which was, that he always conceived it an unfortunate circumstance, when a jury felt themselves obliged to pronounce a different opinion from that of the House of Commons. However, they were to decide upon the question; and if he was ordered to prosecute, he would discharge his duty faithfully.

Mr. *Erskine* said, that if the writer had expressed himself with the same obscurity that the solicitor-general had spoken, there would no longer exist a necessity for prosecuting any pamphlet whatever. He agreed in opinion with the attorney-general, that the House ought to be well convinced of the criminality of the libel before they directed a prosecution; and that prosecutions by order of the House should never be taken up, except upon important occasions; as the authority of the Commons of Great Britain might form too great a weight to be easily resisted by an individual. For the same reason, and to preserve that importance and weight in the eye of the world, they ought to be extremely cautious how they

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instituted a prosecution, without the strongest assurance that it would prove successful. Neither should they come to a vote of that nature, without being fully convinced, that they were really prosecuting the person guilty of the libel. For many years there had not been a prosecution for a libel, in which he had not been employed as counsel for the defendant; he was therefore able to confirm the assertion of the attorney-general respecting the perfect fairness of his proceedings. There had not occurred a single instance in which, in laying down the law to the jury, his learned friend did not truly and honourably state wherein it favoured the accused, as well as the cause of the prosecution; and in bearing this testimony, he wished to be understood that he meant to include the conduct of the solicitor-general. He considered it, however, as little material to the present question, whether the attorney-general proceeded by information, or by preferring a bill to a grand jury; since the late alteration which had taken place in the law of libel, the jury was allowed such a latitude of discretion, that they would only be decided by the evidence which was before them, in the sentence either of innocence or guilt.—From the tenor of the motion before the House *non constat*, that they should proceed by ordering the attorney-general to prosecute; they might order the book to be burnt; they might pass a vote of censure on the libeller; or they might order him into the custody of their serjeant. It should, however, be remembered, that the House was not sitting, nor could it intend to sit, on the trial of the person who was author of this libel. He had no hesitation in anticipating what the verdict of a jury would be upon this case, when before them; but after all, that verdict must depend on the evidence produced on the trial. Were he not fully convinced of the criminality of that libel, he would not at any time, and particularly in the midst of term, be attending in his place, to recommend a prosecution for a libellous publication: to Mr. Reeves personally he had no enmity whatever. It would not become him to do so in his capacity of a member of parliament; and in his professional character, it would become him still less; on the present occasion, he acted solely from the impulse of his duty. The House could not but see the attack that was made upon its authority; they did not however yet know what defence the accused might set up; what plea of ignorance, what proof of mistake. The present motion did not comprehend the whole of the pamphlet; it embraced only a single passage of it, in which it was asserted that "the kingly government may go on, in all its functions, without Lords or Commons;" that a kingly government might go on in this country was true, but it was not the monarchy of Great Britain which could so go on: and were he the advocate for the defendant, that was not the ground which he should take in his defence, as that also implied the total destruction of our constitution. It would be a better defence to allege, that the passage was written on a supposition that the authority of the monarch might be exercised in regard to all the laws that had previously been enacted during the dissolution, or during the suspension of the sittings of the other branches of the legislature. Would any man, however, who meant to convey this sentiment, have used the term "lopped off," which could not, on any construction, be considered as a supposition? As well might it be supposed, that, after two large branches were lopped off from a tree and thrown into the fire, they should again arise, and unite themselves to the parent stock.—If this had been a case similar to that of the King against Stockdale, he confessed, he would have been more scrupulous in giving his consent that the House should award a prosecution. If a libel was written, not against the House as a part of the constitution, but as composed of individual members, the House would stand in a delicate situation. Smarting under the lash of calumny, and feeling with acuteness the personal indignity offered to their character, he was afraid they might point their vengeance with too much heat, and that such a mass of influence might overpower a solitary individual. In the present instance, the attack was made, not upon the House as individually composed, but upon the House collectively, as a branch of the legislature. In that view of the subject, every petty jury in the kingdom had an equal interest in vindicating that institution by which they hold their right to freedom with any member of the House of Commons. These considerations had induced him to travel through one of the most dull, despicable, and miserable performances that ever he had been doomed

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to read. Exclusive of the paragraphs that had been read by his hon. friend, it said, that the Whigs have been uniformly in a conspiracy to introduce republicanism. If he could have believed it *bonâ fide* to be nothing more than a set of speculative opinions, he never would have regarded it with any other feeling than that of contempt; but, the object of the writer too clearly was to calumniate the Revolution of 1688, and to decry and degrade those glorious privileges which our ancestors obtained, as the hard-earned fruits of many a lengthened struggle. He had no hesitation, for his own part, however, in calling it a foul and scandalous libel, and in his opinion were the House to decline ordering a prosecution, they would be equally wanting in their duty to themselves and to their constituents. And even supposing the author to be acquitted, the acquittal would not at all reflect discredit upon the House, as they were unacquainted with the modes of defence which the party prosecuted might adopt. When a jury was impanelled to try this case, and saw the attack upon the constitution stated in the indictment, they must, he was convinced, feel themselves involved as parties in the libel, as well as the House of Commons which ordered the prosecution.

Mr. *Windham* (secretary at war) said, that in rising to offer his sentiments to the House, he was aware that he exposed himself to great danger of having his arguments misrepresented, nay, of having words and sentiments attributed to him which he never had an idea of uttering; and he knew also, that no explanation, however clear and explicit, would save him from such misrepresentation. It was of no use for him to refute these misrepresentations, to deny them, to explain them; there was a sort of vitality in them, for they always revived: if he trod them to the earth it was useless, for they constantly grew up again (though at some distance), and recovered their former strength; he need only remind the House of the words, "perish commerce," and "acquitted felons," to prove the truth of his assertions. He thought that the explanation which he gave at the moment, with respect to the pamphlet in question, was such as must have satisfied every mind not determined to misunderstand; yet this night the subject was revived, as if he had not said one word in explanation of the subject. But notwithstanding all this, he never would be deterred from giving his opinion upon any constitutional or judicial question; only it would be necessary that he should guard himself as much as possible from that species of misrepresentation: he knew that all his precaution would be of no avail; but he would sell his reputation as dearly as possible. The first expression that he made use of when this subject was brought forward on a former night, was one which did not, in his opinion, lay him deservedly open to the sort of observation which followed. He only said, that he was not prepared, from the slight consideration he had then given the book, to decide with precision upon a particular passage: but that he was not inclined to agree with the interpretation which other gentlemen had put upon it.—But in saying that, he by no means precluded himself from giving any other opinion upon the book, after a more mature consideration; he considered his judgment as completely unfettered; he conceived his mind still more at liberty, from a circumstance of which he had been informed, namely, that Mr. Reeves was not the author of this pamphlet; not that the name of the author would really have any effect upon his mind, but he knew that gentlemen on the other side would throw out insinuations to that effect.—Having premised thus much, he would now proceed to state to the House his opinion upon this subject, which, after a most full and mature investigation, was only a repetition of what he had advanced upon a former night, viz. that he did not think that there was any thing in the book which would justify the interpretation which had been put upon it. He by no means meant to say, that he approved of the doctrine imputed to this passage; but he meant to say, that there was no such doctrine in it; because no man could for a moment hesitate to say, that if there was any such intention in this passage as that attributed to it, it was a most gross and infamous libel. Gentlemen on the other side might think him wrong, but that remained to be argued.—He wished to make one or two observations upon the nature of libels in general, as far as they respected that House. He thought that one of the first conditions that House would require in the case of a motion against any particular book or pamphlet was, that the allegations contained in the book were false. He did not mean to say he was an advocate for that popular opi-

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nion, that nothing could be a libel but what was false; but merely as to those which respected this House. But this was not sufficient: it was not only necessary that the allegations should be false, but there must be a fair presumption that the author himself was convinced of their falsehood. He also thought it was necessary that the error imputed to the author should not be one of a trivial nature; and that it should not be merely a theoretical one, but one that tended plainly to practical consequences. These were grounds which he should expect to be laid in every case where a charge of a libel was made in that House: for it was absurd to say, because a man differed in opinion from others upon an abstract question, that therefore he was culpable. It was no very easy matter to find two men of learning and sense, who would agree upon the same definition of the constitution of this country: it was well known that many people differed from Mr. Hume, and that Mr. Hume and Mrs. Macaulay differed from each other, yet it never was in contemplation to prosecute either of them for their different definitions. But these were not the only points he wished to be convinced of, before he gave his assent to a motion of this kind; there was another: he thought it should appear that the author was aware of the consequence of what he wrote and published. Upon this point, he understood the learned gentleman opposite went even farther than he did; however, if there was any failure in the proof of these particulars, he should conceive it to be a good reason for rejecting this motion.—He had stated, that he did not agree with gentlemen on the other side, in the interpretation they had put upon this passage; but in saying that, he did not mean merely that the words were capable of another construction; but that, upon a fair and impartial consideration of the passage, no such intention could be attributed to it. Gentlemen had said, and with what fairness he would leave it to the House to judge, that in discussing this point, he had been guilty of quibbling. It was no uncommon thing for those who were fond of refining upon arguments, when they found those very arguments carried on to a degree of refinement which turned against themselves, to call it quibbling; but with respect to the propriety of carrying on an argument with any very great degree of nicety, it depended much upon the nature of the subject to be discussed. Upon any great constitutional question, no man could reprobate such a practice more than he did; for instance, when they were discussing any question which related to the constitution or policy of the country, then he did think it a mean and contemptible species of quibbling for gentlemen to be calling for proof, upon every subject that was advanced, as they were in the habit of doing; they seemed unable to withdraw their ideas from a criminal prosecution at the Old Bailey, and with all the nicety of special pleaders, demanded technical proof upon points that were matters of general notoriety. In disquisitions upon questions of science, or of law, that degree of refinement was not only excuseable but necessary; for if a man professed to consider any nice question of mathematics in a loose popular way of reasoning, it would not be attended to.—He was ready to admit, that if it required a great degree of acute investigation to be able to put an innocent construction upon this book, and that the first and obvious effect of it was such as had been attributed to it, it was then a criminal production; but was that the fact? What was the object of the author of this book? It was to write a careful, and from the work it appeared a skilful analysis of that complex machine, the British constitution—A subject that required great acuteness of mind, and laborious investigation, and one in which, above all others, a particular expression should not be taken up without a reference to the difficulty of the subject, and to the train of the argument. He was of opinion that the writer of this book had in view this object; namely, to make a curious and nice speculation upon the nature and component parts of the British constitution; and in the course of it he inquired, if certain parts of this complicated machine were taken away, what would be the effect and operation of the remainder? Just as a man might take a watch, or any machine, and withdraw some one of its wheels, to see how the other parts would go on, without any idea of recommending such a change, but merely upon a principle of abstract speculation. And if, in discussing a question of so abstruse a nature, a mere abstract opinion was to be considered as so extremely culpable, he should like every one of the gentlemen opposite to write down their ideas of the constitution, and then he should be glad to see how far they

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agreed with one another, and how far they agreed with those writers who have hitherto been considered to be authorities upon the constitution.—When the author of this book asserts that the Lords and Commons spring from the crown, is that a criminal assertion? The origin of this, as of every other government, is hid in obscurity and mystery; and a man might be wrong in point of historical accuracy, and yet not in any degree guilty of the charge imputed to the author. Nothing could tend, in a stronger degree, to show the difficulty of men exactly agreeing upon any great political or constitutional point, than the Revolution. There were many opinions, and those of very great men too, which totally differed upon that event. And among those who did not totally differ, what innumerable shades and gradations were there in the opinions formed upon it. He was sure that every gentleman who fairly and impartially considered that event, must be of opinion that the ideas now so industriously circulated about it, were equally dangerous and false: the object of them was to prove, that the king, in this country, held his crown by the choice of his people; a proposition utterly incompatible with the constitution; but a proposition, the object for circulating which was extremely apparent.—But, after all, what was the ground of charge against this book? It was founded upon a metaphor, which, in his opinion, was rather a bad foundation for a prosecution. —Mr. Windham then proceeded to read the objectionable passage. He contended that, particularly as to the expression of "lopped off," the author did not use that expression indefinitely, but talked of one of those temporary suspensions of parliament, of which history afforded many instances; and what might be considered as a proof that such was his meaning was, that two pages before, viz. in page 11, he says, that the legislative power is lodged in the king and both Houses of Parliament.—He came now to what he contended was, in his opinion, the strongest part of the passage, viz. "The kingly government may go on in all its functions without Lords or Commons." He admitted there might be ambiguity or incorrectness in this passage, but having in a former part of his work stated, that the power of making laws was vested in the King, Lords, and Commons, he could not be supposed, in the part he had just read, to mean, that the King, by going on in all his functions without Lords or Commons, would have the power to make laws. On that supposition, what an absurdity were they attributing to this man! They supposed him to say, that the king might, without parliament, enjoy all the powers of government, and yet that he had no legislative power. But suppose there was a degree of incorrectness and ambiguity in this particular passage (which he wished the House to recollect was only a metaphorical passage), though it might affect the author's reputation, yet it would not justify such a resolution as the one proposed. Taking his proposition generally, it was certainly true, for the kingly government did go on, while parliament was interrupted either by prorogation, dissolution, or other regular causes. But would that hold good *vice versa?* Would parliament remain if the king were gone? Certainly not. It was upon this ground that the author argued, and in his opinion argued constitutionally. So thoroughly convinced was he of the innocent intentions of the author, that he would as soon put his hand in the fire, as adopt the constructions of the other side of the House.

Mr. *Pitt* said, that however little doubt he might entertain upon the meaning and effect of this passage, he could not suffer it to be imputed to his right hon. friend, that an assertion which tended to degrade the English constitution and to rob the people of one of the securities which they had for their happiness, could be considered by him as not worthy of punishment. His right hon. friend only considered that no such tendency had been proved with respect to the pamphlet in question; and no one who knew his right hon. friend's character, could for a moment entertain a doubt of his extreme anxiety to maintain the constitution in all its parts. He had carefully read the book in question, and confessed he was not able to put that construction upon it which his right hon. friend had pressed with so much ability. His right hon. friend seemed to think that if, by refinement of argument, the passage in question would bear another meaning than that in which it was considered as criminal, then it would be wrong for a jury to find the defendant guilty, or for that House to agree to any such resolution as the present. It was with extreme reluc-

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tance that he differed from his right hon. friend, but he considered it to be the duty of a jury not to look for a meaning, which, by a possible construction, the words would bear; but to take the fair and obvious meaning of the passage, and such as they had the most reason to suppose was in the contemplation of the author when he wrote it. It was in that way that a jury should consider the meaning of any passage; and it was in that way that he, as a member of parliament, would endeavour to construe them. Upon reading over the whole of this pamphlet, he was ready to admit that there were many contradictory passages in it; but they by no means went the length of showing, by fair inference of reasoning, that the passage alluded to did not convey the meaning attributed to it. They might, indeed, afford a ground of argument to a counsel employed in his defence; but, in the impartial consideration which that House would give them, they would appear only as inconsistencies, which might, perhaps, create some confusion, but by no means tended to qualify the assertion complained of. What was it that was maintained by the author of this book, and what was the defence set up for him? Was it to be contended, that, according to the constitution of this country, the king could go on and exercise the functions of government without parliament? He would not stop to inquire what a king might do, if both Houses of Parliament were lopped off; but he would not hesitate to say, that he could not be a constitutional king; and that, from the moment the two Houses ceased to be integral parts of the constitution, that moment the constitution ceased to exist. If he did continue to govern, it must be by a power totally new to the constitution; as much so as if it were contended that a House of Commons alone could exercise the functions of all the branches of the constitution, and yet that constitution remain entire.—His right hon. friend had treated this as a mere dry, abstract, speculative question, in which the author was inquiring into the origin of our constitution, and arguing that monarchy was the source from whence the other branches had sprung. It was not easy to trace out any period in our history when kingly government existed without a check on the part of the people. During the reigns of the Saxon monarchs that check certainly did exist; and if by the Conquest, and the feudal system super-induced upon it, there was a temporary interruption to the existence of that check, still it revived: the root lay too deep to be destroyed.—His right hon. friend had compared the author to a man taking away some part of a machine, in order to see the effect of the remainder of the works. This might be a very curious experiment with a machine; but when a man sat about to to inquire what part of a mixed government might be taken away, the inquiry at best would be useless; but if, by showing that one part might be taken away without injury to the others, it had a tendency to recommend a practical experiment, then it would cease to be merely useless, and begin to be criminal. To point out one branch of the constitution as less important than the others, was, in his opinion, criminal; yet that was what the author of this pamphlet had done in speaking of the two Houses of Parliament. The reasoning in this book did not merely go to say, that if, in consequence of a foreign invasion, a pestilence, or any other extraordinary event, the parliament was prevented from sitting, then in that interim the king might exercise the functions of government; for that argument would be true; it spoke not of a temporary interruption to the functions of parliament, but of their being lopped off totally. Now, in saying that the king could go on alone, whether the author meant that the king should possess the legislative power or not, he conceived him to be equally wrong. If he was supposed to have the power of making laws, then a total subversion and destruction of the constitution must be presumed. If it was supposed that the king had not the legislative power, then it was equally wrong and absurd; because a revision of the conduct of the executive government formed a part of the duty and privilege of parliament; and it was absurd to talk of the king having the sole government vested in him, and yet not the power of making laws. Upon all these grounds, he was inclined to think, that the construction which his right hon. friend had put upon this pamphlet was erroneous, and that the real meaning was a doctrine incompatible with the existence of the British constitution.

Mr. *Courtenay* asked, if there could be a possible doubt of the nature and ten-

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dency of the pamphlet? After exalting and worshipping the power of the crown, the author adds — "Still farther to strengthen this all-powerful sway, two qualities are added that seem to bring this royal sovereignty, as far as mortal institutions can be, still nearer to the government of heaven." Now, observe the sublime reasoning by which this is proved. "First, this power is to have perpetual continuance—the king never dies: secondly, such unbounded power shall be presumed to be exercised with as eminent goodness; and it is accordingly held that the king can do no wrong." After this preliminary flourish, the author proceeds to lop off the Lords and Commons, as superfluous branches, and leaves the royal trunk free and disincumbered to flourish in *secula seculorum*. In every part of this wretched performance, the constitution, as fixed at the glorious Revolution, is vilified and traduced. The pamphlet advanced a new and dangerous doctrine, namely, "that the kingly government may go on in all its functions, without either Lords or Commons; and that the Lords and Commons derive their existence and authority from the king." Without submitting that question to the society of arts, and sciencies, or even to that board of agriculture under which Mr. Arthur Young holds so conspicuous a place, he would rather appeal to the judicious Montesquieu, who said, that 'whosoever read Tacitus on the manners 'of the Germans, would find that he said, 'De minoribus rebus principes consultant, de majoribus omnes.' Hence they would see, that the English had taken the idea of their government from that authority, and that the beautiful system of the British constitution and government was first invented in the woods of Germany." To assert that the Lords and Commons derived all their functions from the crown was most unconstitutional doctrine. Not under the Saxon or even the Norman line had any such doctrine prevailed; during the latter period, the English always claimed the rights they enjoyed under the Saxon government, though they were not always successful in their claims. The pamphlet, dull as it was, contained doctrines that were absurd, and principles that were bigotted. It dimly shone from the borrowed lustre of a treatise written by a man of the most celebrated parts and luxurious fancy, and was evidently a production from the school of Filmer. He had little doubt but that Mr. Reeves was the author; it breathed his language, his spirit, and his principles.

Mr. *Wilberforce* said, that if they considered the character and situation of the supposed author of the pamphlet, it could not be viewed as a despicable performance. It was with much satisfaction that he had attended to the two speeches of his learned friends; but he confessed that satisfaction was allayed by the speech which he had heard from the secretary at war, who perhaps, had gone a little farther than he ought to have done, in defending a man whom he might think loyal and deserving. He hoped that right hon. gentleman would consider the subject according to the true principles of the constitution. In adhering to these, he should himself be led to combat some of that right hon. gentleman's expositions. He had argued, as if it was a matter of subtle inquiry, to find out the exact meaning of the author of the pamphlet; but the plain question, to his mind, was, not what a nice logician might or might not extort from it; but what the sense of certain passages really was, as compared with the context, the general drift of the performance, and the impression which the perusal was likely to make on the generality of readers. He should therefore decline entering on a nice inquiry, as to the precise meaning of particular expressions. He remarked that the right hon. gentleman had found out what made in favour of the author, more than what made against him. In the passage so frequently quoted, there appeared to him something clearly unconstitutional; the author considered the component parts of the constitution, as if they could be disjointed, as if one part could survive the extinction of the others; how far, or for how long a period, this might take place, he knew not; but he was fully convinced, that if a disjunction ever took place there was an end of the British constitution, each branch of it being inseparably connected with the others. He appealed, in illustration of this fact, to the days of Charles 1st. The three component parts of our constitution were so blended and assimilated in one inseparable essence, that they were incapable of being detached. He denied that the kingly government could subsist independent of parliament; it was from the votes and grants of that House, that the crown derived its strength, its assistance,

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and its supplies.—Mr Wilberforce discussed the practical effect which the publication was calculated to produce, and insisted that it was likely to do mischief, by detaching the affections of the people from that which they ought all to cherish as an object of profound veneration and esteem; and more especially considering the present circumstances of the times, he thought it was likely to produce great practical harm without the timely interference of that House. In looking over the pamphlet, he said a sort of ridicule appeared to him to be applied to the constitution. Now, if ever there existed a time when it particularly behoved the House not to suffer a pamphlet of that nature, to be slightly passed over, the present was that period. The parliament was then endeavouring to check seditious and libellous publications of an opposite tendency; it therefore became them, to vindicate themselves from the charge of injustice and partiality. Let every aspersion of that sort be done away; and let them not subject themselves to the imputation of passion or prejudice in their determinations. He had voted for the treason and sedition bills, from the consideration that the speeches, publications, and proceedings of the societies referred to, inflamed the minds of their hearers and readers; not only by defaming the monarch, but also the people of England; and for the same reason he was ready with equal willingness, to stand forth and vindicate the constitution from the stigmas of men of an opposite description. The pamphlet treated with disrespect the labours of their ancestors, at the period of the Revolution to whom they were indebted for the practical liberty they at present enjoyed. It struck him as a matter of difficulty how the House could act on the present occasion; though the pamphlet abounded with contradictions and political heresies, he could not tell how far an ingenious lawyer might be able to confound the minds of a common jury; he had his doubts, in particular, as to that part of the motion, which charged the pamphlet with being a libel on the glorious Revolution; because although the writer had indirectly censured some of the principles on which the Revolution was founded, and again, and again, by inference, reflected upon it, all that he had said, did not, in his mind clearly amount to a libel upon it.

Mr. *Hardinge* said, it was not for the purpose of compromising the opinion which he declared the other night, and which his attentive perusal of the whole context had confirmed, but upon account of ingenious difficulties which he felt in his own mind, that he adopted the doubts of his hon. friend who spoke last respecting the amendment upon the original motion, contained in the new words imputing to this pamphlet a libel upon the Revolution. He could not, satisfactorily to his own mind, agree to that amendment; for though he was convinced the writer did not love the Revolution, or wish to have its principles treated with respect, he had been rather sarcastical upon it than libellous, and had even studiously, though perhaps artfully, commended the act as well as the actors in some parts of the work. The chancellor of the exchequer had expressed a doubt whether by the resumption "of the kingly power in all its functions when the Lords and Commons were lopt off," the writer meant executive capacities alone, or legislative too. It was clear to his conviction that he meant both; for having described, in one of the passages preceding this, a king, who made, as well as executed the law, who never died, and who could never do wrong, he adds, "these are the the original and main principles upon which plain Englishmen could safely rest for their property and freedom. But the English will not always confide; jealousies arose and fears. To meet and appease them, qualifications were annexed. The king was accordingly in future to make these laws, with consent of the Lords and Commons." Then he introduces the figure of this "tree, and of its branches lopt off," upon which event the "kingly power would exercise all its functions." What functions? Those which it exercised when the king made the law, and before his power to make it was limited. He would say no more upon the libel, except only to re-assert, that it was gross and scandalously false. What measures the House would, in its justice and wisdom, pursue against the offender, he gave no opinion, more than to say, that he wished for lenity, as far as it could be reconciled with honour. But he thought, in times like these, to censure such a libel, was an act of sound policy, as well as justice. It would show to the people out of doors, impartial judgment in the House of Commons against libellers of all descriptions, when those of the worst kind were so prevalent; though he was not sure whether such false friends as the writer of this

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libel, were not the worst enemies a government could find.

Mr. *Fox* said, that when he saw the secretary at war attempting to give a sense to the pamphlet different from what it would obviously bear, he could not help thinking that there was some lurking partiality towards the principles asserted in that pamphlet. Would any gentleman venture to declare, that there did not appear as settled a design in Reeves's association to attack the constitution, as in any of the Corresponding societies? To the pamphlet of Mr. Arthur Young, an express vote of thanks, signed by Mr. Reeves, as chairman of the association, and an approbation of the doctrines contained in Mr. Young's pamphlet were subjoined. The principles which Mr. Reeves's association wished to adopt were, that rotten boroughs, extravagant courts, selfish ministers, and corrupt magistrates, formed the security for the constitution of England. What could such doctrines proceed from but a settled design in that society to destroy the constitution of this country? If they analyzed the pamphlet minutely, they would find the doctrine contrary not only to fact, but to the language of the Statute book,* which declared that the government of this country was not simply a monarchy, but a government in King, Lords, and Commons. My own difficulty (said Mr. Fox) is, what the conduct of the House should be on this occasion. I profess myself an enemy to prosecutions for libellous attacks; and yet, at such a time as this, when Mr. Reeves's association are spreading their pernicious doctrines abroad, I am anxious that the House should express their disapprobation of principles recommended by that association. I wish to get at the author of this pamphlet; and this is so material an object, that I think the better way would be, for the House to keep this business in its own hands.

Mr. *Buxton* considered the pamphlet to be a libel on the glorious Revolution, and hoped that steps would be taken to bring the author to exemplary punishment.

Mr. *J. T. Stanley* thought it a fortunate circumstance that the pamphlet in question had been brought to the consideration of the House. The debates occasioned by it proved, that many Englishmen still harboured in their bosoms an affection for whig principles. The administration he was sure would not have to repent their conduct. Some of their lost confidence they would regain, and perhaps they would be considered as once more to have formed the wish of making public opinion the ground of all their strength. Without it, all the bills they may carry through parliament and add to our heap of laws, will avail but little to secure them in their places. He hoped the House would follow up the motion by some farther measures expressive of their indignation at doctrines so prejudicial to the interests of the country as those contained in the pamphlet.

Mr. Serjeant *Adair* thought, that as to the main question, whether this pamphlet was a libel, there was no difference of opinion. He, however, doubted the propriety of the amendment, which charged this pamphlet with being a libel on the Revolution: he thought it would be extremely difficult for any lawyer to persuade a jury to bring in this verdict.

The *Master of the Rolls* said, that though he had no doubt as to the malignity of this pamphlet, he had his doubts whether it was a breach of the privileges of the House, or whether it was of such a dangerous tendency as to require the interposition of the House, rather than to be left to the ordinary course of justice. However, he should vote for the motion.

Sir *W. Dolben* said, he had come down to the House in the opinion that the book was a libel, but the speech of the secretary at war had made such an impression upon him of a contrary kind, that he would vote against the motion.

The original motion was then put and carried, with only two dissenting voices, Mr Sheridan having, with the leave of the House, withdrawn his amendment.

Mr. *Sheridan* then said, that the House having adopted his motion, it was proper that some proceedings should be grounded upon it. He had been made more anxious in pushing this proceeding, because he did not consider the publication to be a solitary libel, but to have issued from a quarter possessing extensive means of circulating attacks against the constitution. He stated the various modes of proceeding that might be adopted, and referred to precedents in former times. At a period when party ran very high, a pamphlet by Swift on the Public Spirit of the Whigs, a very innocent and useful work, was ordered by the House to be proceeded against.* Under the circum-

* See Vol. 6, p. 1260.

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stances of the present case, what he considered to be of most importance was to come at the person of the author. He had reason to believe that Mr. Reeves was the author, and since he came into the House he had been confirmed in his belief. He had been given to understand that a formal disavowal would be made of the fact, but he considered that which had been made by the secretary at war to be by no means satisfactory. He had great objections to instituting any oppressive prosecutions against a poor printer or publisher, who looked for security to the character of his employer, and could have no idea that he would receive any thing of a libellous or unconstitutional tendency from the chairman of a loyal association. In order that proper steps might be taken to come at the author, he would adopt a precedent of 1707,* and conclude with moving "That a Committee be appointed to inquire who was the author of the said pamphlet."

Mr. *W. Smith* said, that he had such strong objections to all prosecutions for political pamphlets, that he should move, in case of a discovery, that the proceedings of the House be confined to a censure upon the author.

The motion was agreed to, and a Committee appointed.

Dec. 1. Mr. Sheridan brought up the following

REPORT

From the Committee appointed to inquire who was the Author of the Pamphlet, intituled, "Thoughts on the English Government—addressed to the quiet good sense of the People of England; in a series of Letters—Letter the first, on the National Character of Englishmen—the Nature of the English Government—the Corruptions caused in both by the introduction of French Principles—the effects produced by the Reformation and the Revolution upon Political Principles—the conduct of the Whig Party—the Character of the modern Democrats:—London, printed for J. Owen, No. 168 Piccadilly—1795."

Mr. *John Owen* being examined, said, that he is a bookseller, and lives in Piccadilly.—And being asked, if he knew a publication, intituled, "Thoughts on the English Government"? he replied, yes; his name was signed to it. After this declaration, Mr. Owen declined giving any farther information to your committee, on the plea that it might tend to criminate himself. And being finally asked whether he persisted in refusing to answer any questions the committee might put to him? he replied, yes.

Mr. *John Lake* being examined, said, that he knows Mr. Wright, the printer, in Peterborough-court, as also Mr. Street and Mr. Stump. And being examined, whether he ever heard these persons speak of a pamphlet intituled, "Thoughts on the English Government?" he said, he had. And being asked, whether he ever heard them speak of the author of the pamphlet? he said, yes; and that he heard Mr. M'Dowall's brother acknowledge that he composed the press for the pamphlet, particularly those parts which have been deemed libellous by the House of Commons; and also that Mr. Reeves had been backwards and forwards at the office, and the pamphlet was commonly known throughout the office by the name of Mr. Reeves's pamphlet. — That, Mr. Wright, the printer, was commissioned by Mr. Reeves to get a person to publish the said pamphlet; and in consequence Mr. Wright applied to several booksellers, who refused to publish it, Mr. Wright refusing to give up the author; and Mr. Owen, in Piccadilly, undertook to publish it, and Mr. Wright's porter delivered it, by the name of Mr. Reeves's pamphlet, to Mr. Owen; and the witness thinks Mr. M'Dowall's brother said, that Mr. Reeves made some interlineations at his frame, while composing, and that Mr. Reeves generally corrected the press.

Mr. *Charles M'Dowall* being examined, said, that he is compositor to Mr. Wright. That he recollects the pamphlet, intituled, "Thoughts on the English Government," being printed at his office. And being asked, whether the press was corrected during the printing of the pamphlet from the manuscript sheets? he said, it was. And being asked, what persons he saw superintending the press, and correcting the proofs; he replied, no one, but Mr. Reeves. And being asked, if he knew Mr. Reeves by sight; he said, yes; he lives in Cecil-street. And being asked, whether he saw Mr. Reeves frequently during the printing of the pamphlet, superintending the work? he said, yes. And being asked, if he ever saw Mr. Reeves write on or correct any of the proofs? he said, he was not certain. And being asked, whether he ever spoke to Mr. Reeves at Mr. Wright's; he said, yes; frequently. And being asked whether Mr. Reeves's conduct at Mr. Wright's was such as to lead the witness to believe him to be the author of the pamphlet, he replied, yes. And being asked, whether he knew the hand-writing of Mr. Reeves? he said, yes, the hand-writing that goes for his. And being asked, was the hand-writing of this pamphlet, in his opinion, the same as the hand-writing that goes for Mr. Reeves's, he said, yes.

* The case of Mr. Asgill; see Vol. 6, p. 600.

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William Augustus Miles, esq., being examined, was asked whether he has any, and what, reason to know who is the author of the pamphlet, intituled, "Thoughts on the English Government?" he said, yes. In the first instance, from Mr. Owen's having presented it to him as Mr. Reeves's pamphlet; and in the course of a few hours afterwards, meeting Mr. Reeves turning out of the treasury, he (the witness) informed him, that he had received a pamphlet written by him. Mr. Reeves asked him the title? He told him.—Mr. Reeves then inquired, if John Owen had informed him, that he (Mr. Reeves) was the author? From delicacy to the bookseller, he said, no; but the secret was revealed by a printer's man, who, by Mr. Owen's declaration, he understood to be Mr. Wright's man.—Mr. Reeves then earnestly recommended him to read the pamphlet; and to the best of his recollection, Mr. Reeves desired him to let him know what he thought of it.—That the witness, on his return, read it, and found the following passage:

"In fine, the government of England is a "monarchy; the monarchy is the ancient "stock from which have sprung those "goodly branches of the legislature, the "Lords and Commons, that at the same time "give ornament to the tree, and afford shelter "to those who seek protection under it. But "these are still only branches, and derive "their origin and their nutriment from their "common parent; they may be lopped off, "and the tree is a tree still: shorn indeed of "its honours, but not like them cast into the "fire. The kingly government may go on, "in all its functions, without Lords or Com-"mons," so repugnant to the principles of the Revolution of 1688, that the witness immediately sent a transcript of it to the chancellor of the exchequer, accompanied by a letter; and on the morning following the witness wrote a letter to Mr. Reeves; a copy of which letter was delivered in to the committee, and read, the witness requesting it might stand a part of his examination; and is as follows:

"*Pall Mall, November 6th*, 1795.

"I have read your pamphlet, sir, with equal attention and concern; with attention, because you recommended it strongly to my perusal, and with concern, because I was hurt that any man, acquainted with the principles of the English constitution, should have the indiscretion or effrontery to misrepresent them in a manner so very gross and unpardonable. Such writings tend to bring monarchy much more into disrepute than the harangues of Mr. Thelwall and Co.; and monarchy in this country does not require to be sustained by trick and contrivance; it has the support of reason, policy, and experience. The nonsense and falsehoods of writers, who only prove their ignorance or servility, will endanger it; and if my advice should be asked, I would seriously recommend you to defend the excellencies of our constitution by its excellencies—for they plead far more eloquently in its favour, than either your writings or those of Mr. Burke. The misfortune is, that you confound the abuses of government with the government itself; and having by far a much greater and more decided interest in the preservation of the one than of the other, your anxiety for the latter is merely a contigency on the former, and becomes a mere secondary consideration. I will tell you very candidly, that I thought you were going greater lengths than either facts or policy warranted, in November 1792; and I am inclined to believe, that your present labours are more likely to do mischief than good. What you have said in pages 12 and 13, would, in the reign of George 1st, have sent you to the pillory; and if ministers discharge their duty, they must discourage the publication in question—for it is no less incumbent on them to discountenance attacks on the constitution from one description of men than from another. Whether it is assailed by the intemperate zeal of royalists or republicans, it ought to be defended; for it has equal danger to apprehend from the extravagant pretensions of the one, and the rancorous animosity of the other, and as an individual interested in its preservation, I will oppose, *coute qu'il coute*, any innovation on the part of the crown, as vehemently as I would on the part of democracy; and if you held the blessings of a free constitution in as much reverence, and the smiles of lord Hawkesbury as cheap, as I do, your name would not be so generally detested, and the part that you would have taken in those political questions which unhappily divide us, would have been much more to your credit, though not so lucrative.—I should not have said thus much, if you had not pressed me to read a pamphlet that is very ill calculated to allay the ferment in men's minds, and which I consider as a libel on the constitution—injurious to the interests and to the dignity of the crown, and an insult to that good sense to which you have appealed.—I have only to add, that I shall most cordially rejoice when these disputes are at an end, and when questions of this nature cease to animate our conversations, and to sour men's dispositions towards each other—such questions cannot benefit the cause you wish to serve, but they may ruin it; and it well behoves you, sir, to pause and think! I am, &c."

'To John Reeves, esq.
Cecil Street, Strand."

And the witness being asked, whether he received any answer from Mr. Reeves, disavowing his being the author of the pamphlet? he said, he did not. And being asked, if he has any reason to know that Mr. Reeves received the letter? he replied, yes; from Mr. Reeves's having exposed it to Mr. Wright, in consequence of a paragraph in the Morning Chronicle of the 9th instant, in which the offensive extract was included; in consequence

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of which Mr. Wright came to Mr. Owen, and found fault with him for having accused Mr. Reeves of being the author, informing Mr. Owen that he (the witness) must have sent that extract to that Morning Chronicle; in consequence of which the witness wrote to Mr. Reeves a letter, of which the following is a copy; which was read; viz.

"*Pall Mall, Nov.* 11, 1795.

"Sir;—Your printer has insinuated, that the libellous extract from your pamphlet, which appeared in the Morning Chronicle on the 9th instant, was sent by me; and he draws that conclusion from having seen the private letter that I addressed to you on that subject, the 6th instant. It is merely to refute a falsehood, which may be the foundation of much calumny and misrepresentation, that I assure you I was perfectly ignorant of the extract, or any comment on it, having been sent to any of the public prints. It is however incumbent on me to add, that I perfectly approve of the exposure, from the full conviction I have, that such doctrines have a direct tendency to mischief, and to alienate the affections of the people from his majesty and his government. As you have judged it expedient to expose my correspondence in part, I call on your candour to produce the whole of it, or I shall be under the necessity of sending copies of my letter to the different papers in defence of myself. I am &c.

"William Miles.

And being asked, whether he ever heard Mr. Reeves give any directions respecting the circulation of this pamphlet? He replied, on Saturday the 21st instant, Mr. Reeves came into Mr. Owen's shop, and enquired how the pamphlet attributed to him went off, or words to that effect. Mr. Reeves then put one or more pamphlets into his pocket, and, in the witness's hearing, desired six copies of the pamphlet in question to be sent to lord Hawkesbury's office.

Mr. *Benjamin Hinton* being examined, said, that he is porter to Mr. Wright the printer, and delivers out the publications. That he remembers delivering out a pamphlet, intituled, "Thoughts on the English Government." That he delivered it to Mr. Owen the bookseller in Piccadilly. That he had been printing an address from Mr. Reeves to the king. That when he delivered the pamphlet to Mr. Owen, he (the witness) said it was Mr. Reeves's pamphlet. That he has seen Mr. Reeves come into Mr. Wright's printing office. That he knows Mr. Reeves's person. As near as the witness can guess, the pamphlet came into his hands about a fortnight ago: and before that, he had seen Mr. Reeves at the office several times.

Mr. *Thomas Wright*, a printer, being examined, was asked, whether he knew the author of the pamphlet, intituled, "Thoughts on the English Government?" He replied, he declined giving up the name of the author. And being asked, upon what principle he refused to answer the question? he said, one of the first lessons inculcated on a printer upon his initiation into his profession is, that the name of the author of a manuscript committed to his care or keeping is a most sacred deposit, from which he is never to part without the assent or permission of the author, unless compelled by public justice. And being asked, whether he should think himself justified in printing any manuscript on any political subject brought to his office? he said, no, by no means; he would exercise that judgment and discretion which he possesses, in determining whether it contained matter of a libellous nature, whether public or private, or any thing that was against what is called *contra bonos mores*. —That he has endeavoured to exercise that judgment in all the publications which he had been concerned in. And being asked, whether he had read the pamphlet in question? he replied, yes; and if he had seen any thing he thought objectionable he would not have printed it. And the witness being asked, would not the authority of the person bringing him a work weigh with him as well as his private judgment? he replied, the authority of the person bringing him a work to print would weigh with him (as he believes it would with every other printer) as well as his private judgment. And being asked, whether he had ever conversed with Mr. Reeves on the subject of the pamphlet in question? he said, yes. And being asked, whether he meant to say, that he had not conversed with Mr. Reeves for this month past, on the subject of the pamphlet? he said, not as the author of it, to his knowledge, but as the person who superintended the correction of the press. And being asked, in what respect did Mr. Reeves superintend the correction of the press? he said, in correcting the proofs which he might do for a friend. And being asked, when the publication was printed, to what publisher did he send it? he replied, to the person whose name is at the bottom of the pamphlet. And being asked, whether he did not know that person was Mr. Owen? he said, certainly. And being asked by whose advice or direction did he send the pamphlet to Mr. Owen? he said by the advice and direction of no person—it was his own doing entirely — he employed Mr. Owen. And being asked, whether he had ever any conversation with Mr. Reeves respecting Mr. Owen being the publisher? he said, not previous to it; but as Mr. Reeves had corrected the pamphlet, he mentioned it to him as the gentleman who had corrected the pamphlet. And being asked, had this pamphlet not answered in point of sale, from whom should he expect to be paid? he said from no one; the loss would have been his own, and he understands the profit would also be his. And being asked, from what authority he understood the profit of this pamphlet would have been his, if it sold well?

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he replied, from the gentleman from whom he received the manuscript. And being asked, who was that gentleman? he replied, the gentleman who corrected the pamphlet. And being asked, was not that gentleman Mr. Reeves? he answered, he had said that above. And the evidence being read to the witness, he was asked, whether he had any explanation to add to the answers he had already given? he said, he had not.

Mr. *John Gillet* being examined, and shown the pamphlet, intituled, "Thoughts on the English Government," he was asked, Whether he had not heard Mr. Owen delare that Mr. Reeves was the author of that pamphlet? he replied yes, in his own shop frequently.

Mr. *Thomas Gillet* being examined, was asked, whether he was not in Mr. Owen's shop on or about Saturday the 21st November? he said, yes. And being asked to relate any conversation he heard respecting the circulation of the pamphlet, intituled, "Thoughts on the English Government?" he informed your committee, that Mr. Reeves came into the shop, and he said to Mr. Owen, "Where is this pamphlet, that is ascribed to me." Mr. Owen pointed to the pamphlet. Mr. Reeves took one up, and doubled it, and put it in his pocket, and asked whether it had sold well—he then desired him to send half a dozen to some person's office in Westminster, but he (the witness) did not distinctly hear to whose office.

Mr. *Stephen Jones* being examined, said, he is employed in Mr. Wright's office as overseer in his business, and is superintender of all the publications in his office. Being shown the pamphlet, intituled, "Thoughts on the English Government," he was asked, whether he superintended the progress, through the press, of that pamphlet? he said, he did. And being asked whether he corrected the proofs? he said, he did. And being asked, whether he and he alone, corrected the proofs? he said no—he corrected them in conjunction with Mr. Wright. Mr. Wright invariably corrected them the first or the second time—no sheet went to the press without his reading it. And being asked, did no other person superintend the correcting the press besides himself and Mr. Wright? he said yes, there did. And being asked, who was that person? he said, Mr. Reeves. And being asked if he received directions from any persons superintending or correcting the press of a manuscript printed at his house, should he think himself bound to attend to those directions, unless he considered the person giving them as the author or acting for the author? he said, he should not; he should not suffer any one correction to be made under such circumstances. And being asked, whether he attended to any direction or correction given to him in the case of printing the pamphlet in question, from Mr. Reeves, he replied, yes. Then, in point of fact, he was asked, did he consider Mr. Reeves as the author, or acting for the author? he replied, most certainly. And being asked, whether he has any part of the original copy? he believes there may be some about the house. And being asked, if there are any proof sheets about the house, corrected by Mr. Reeves? he said, he is inclined to think there are.

Mr. *Wright* being again examined, was asked how long Mr. Jones had superintended his business? he said, four or five years. And being asked, whether he had ever had reason to doubt of Mr. Jones's veracity or accuracy? he replied, that he never had the least doubt of his veracity or accuracy. Then,

Mr. *Jones* (having been directed by the committee to endeavour to find the proof sheets alluded to in his evidence) returned, and was again examined; and being asked, if he had found any of the proof sheets? he replied, he had brought the first he could lay his hands on. They are not complete. Then the witness produced the said sheets, and said, that a few of the alterations in the margin may be his own, which would be confined to typographical errata: that he cannot speak positively to all the others, but some are Mr. Reeves's to the best of his recollection. And being asked, whether he had not himself seen Mr. Reeves write upon some one of the papers now delivered in by him to the committee? he said, he had seen Mr. Reeves make alterations on certain of the sheets, but he could not from memory state which they are. And being asked whether he knew Mr. Reeves's hand-writing? he said, he thinks he does. He was then desired to look over the proof sheets delivered in by him, and point out what notes or observations are, to the best of his knowledge. Mr. Reeves's hand-writing. And the witness having looked over the said sheets, he said, he finds all the passages now marked by him with a cross are, to the best of his belief, Mr. Reeves's hand-writing. And being again asked, whether he had not himself actually seen Mr. Reeves in the act of marking the proof sheets, or some of them, now delivered in by him? he said, he had. And being asked, in whose hand-writing is the separate paper included in the sheets delivered in by him, which separate paper appears to be part of the title of the said pamphlet? he said, he believed it to be Mr. Reeves's. And being asked whether he has had knowledge of Mr. Reeves printing other publications at Mr. Wright's office? he replied, yes, very many. He has been in the habit, and had the opportunity of knowing Mr. Reeves's hand-writing. And being asked, with those means and opportunity of knowing his hand-writing, has the witness any doubt, that this separate paper, and the observations and notes in the sheets are in Mr. Reeves's hand-writing? he said, he had not. And being asked, what Mr. Reeves, is the person referred by him, as the corrector of the proof sheets, and superintender of the publication of this pamphlet? he answered, Mr. John Reeves, the chairman of the Association for protecting Liberty and Property against

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Republicans and Levellers, The evidence having been read over to the witness, he was asked, whether he had any explanation, or farther observation to make upon it? he replied, he had not.—Then,

Mr. *Wright* was farther examined, and asked, whether he conceives Mr. Jones has a right to send out proof sheets or pamphlets, without any direct communication with him? he said, yes; he is in the habit of doing so, as well as all other overseers in printing offices And being asked, from his knowledge of Mr. Jones, does he suppose he would deliver any proof sheets, as from his office, that were not printed there? he said, he should suppose not. And being asked, if he ever knew an instance of his doing so? he replied, no. And being asked, whether Mr. Jones has not an authority, from his situation with him, to deliver any proof sheets of works printed at his (the witnesses's) office, if required, without an immediate application to him, the witness? he replied, he certainly has; no printing could go on without a person in Mr. Jones's situation having that power.

Mr. *Wright* being again examined, was asked, whether he recollected a conversation with Mr. Reeves on the subject of a letter received by Mr. Reeves from Mr. Miles? he replied, yes; and that Mr. Reeves had shown it him. Being shown the proof sheets delivered in by Mr. Jones, he was asked, if he knew whether the separate paper included therein, was Mr. Reeves's hand-writing? he said, he believes it is; and that he is familiar with Mr. Reeves's hand-writing. And being asked, whether he had seen Mr. Reeves since his last examination by the committee? he replied, yes, and conversed with him on the subject of this publication. And the witness desired to add to his former evidence, as the committee had called on him to add any explanation he thought proper—that three or four proof sheets had been sent to other gentlemen, and some corrections received from them on the proof sheets; particularly he can point out one in page 7, and another in page 12.—But on being shown the correction in page 7, he admitted the hand-writing to be Mr. Reeves's but from the blackness of it he supposed the words to be traced over writing in pencil—the word "active," in page 12, he thought not to be Mr. Reeves's hand-writing. And the witness being asked, whether he meant that he had sent these proofs to those other gentlemen; and received the corrections back from them himself? he answered, no—that he only knew of them through Mr. Reeves, whom he supposed to have sent the proofs, and that it was to Mr. Reeves they were returned, and he adopted the corrections where he chose it. And being asked, who the person was that brought the pamphlet to him; he answered, the person who corrected the press—Mr. Reeves. And the witness desired to add, that as he had been asked on a former examination, whether the authority of the person bringing him the pamphlet would not weigh with him, as well as his own judgment on the publication; he meant to declare that the authority of Mr. Reeves bringing him the pamphlet in question had operated with him as an inducement to publish it. And being asked, whether he had not read the manuscript? he answered only parts of it. And being asked, whether the manuscript was not in the same hand-writing as the separate paper now shown to him, and which contains the title of the said pamphlet? he said, that to the best of his judgment and recollection, such parts as he had seen were of the same hand-writing.

Mr. *Owen* being farther examined, and being shown a passage in Mr. Miles's evidence, he was asked, whether he recollected receiving from Mr. Reeves the directions therein stated, to send six copies of the pamphlet in question to lord Hawkesbury's office; and whether he had executed those directions; he answered, he had; that he had sent them, directed to Mr. Chalmer, at lord Hawkesbury's office. And being asked, to whose account he had charged them? he said, to Mr. Reeves. And Mr. Owen being now apprized of the consequences of the answer he had made in his previous examination refusing to answer any questions that might be put to him,—the witness begged leave to retract that answer, and apologize to the committee; yet he still hoped the committee would not press him to give up the author, as, notwithstanding the confession he had made of being the publisher he thought it might tend to criminate himself. And your committee having, as they conceive, abundant proof from the body of evidence already before them, did not examine the witness farther.

And your committee, conceiving any farther evidence respecting the person responsible as author or publisher of the pamphlet in question wholly unnecessary, did not proceed in the examination of many persons, whose testimony they have reason to believe would still farther establish the facts stated by the preceding witnesses. They have only to add, in discharge of the duty committed to them by the House: viz. to inquire who was the author of the pamphlet, intituled, "Thoughts on the English Government, &c." declared by the House to be "a malicious, scandalous and seditious libel, containing matter tending to create jealousies and divisions among his majesty's loyal subjects; to alienate their affections from our present happy form of government, as established in King, Lords, and Commons; and to subvert the true principles of our free constitution; and that the said pamphlet is a high breach of the privileges of this House," That it appears to the committee, that John Reeves, esq. of Cecil-street, in the Strand, is the author, or has acted as the author of the said publication.

The said Report was ordered to be taken

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into consideration on the 4th instant, and to be printed. Dec. 4. The Report of the Committee was ordered to be taken into consideration on the 11th, and the said Committee was revived.

Dec. 11. Mr. Sheridan presented the Second Report of the said Committee. It was as follows:

SECOND REPORT.

Mr. *John Owen* being examined, was asked, Whether he persisted in his refusal to give up the author of the pamphlet, intituled, "Thoughts on the English Government, &c, ?" he replied, he felt it his duty, not to give up the author Then.

Mr. *Thomas Wright* was also examined, and being asked, Whether he had not acted as secretary of the association at the Crown and Anchor tavern? he replied, No. And expressing a desire to give information on the subject of that society, which he conceived would illustrate his former evidence; he produced a book, containing their publications, intituled, "Association Papers;" which, at the desire of the committee, he delivered in. And being shown the name of J. Moore, secretary, signed to the first association and declaration and resolutions of the society, on the 20th Nov. 1792; and the N. B. which followed; viz. "All letters and communications are requested to be addressed to the secretary at this place:" he was asked, Whether he knew the said secretary, J. Moore; he answered, that J. Moore was a man *in nubibus*. He explained, by stating that he, J. Moore, was merely a fictitious name; that no such person existed as secretary to the society; and that he knew it at the time he printed their proceedings, but that the name had not been continued after a few meetings. On being shown the proceedings of the society on the two next meetings, of the 24th and 29th November, he admitted the signature of J. Moore was the same fictitious name. And being asked, whether there were any fictitious names among the list of the committee, published in the proceedings of the 29th of November? he said, he was sure there were none. And being asked, whether the committee knew that their signing secretary was a fictitious name; he answered, No one but Mr. Reeves. With regard to the means of circulation of the society, he said they were very extensive. He believed the correspondence with Mr. Reeves from other associations would make fourteen volumes bound. And being asked, to whom he returned the manuscript of the pamphlet, intituled, "Thoughts on the English Government, &c. ?" he answered, to Mr. Reeves, from whom he had received it.

Mr. *Andrew Wilson* being examined, said, that he had been printer of the newspaper called "The True Briton," and had frequent opportunities of seeing Mr. Reeves write for that paper. And upon being shown the proof sheets of the pamphlet, intituled, "Thoughts on the English Government, &c." as delivered in to the committee on a former day by Mr. Jones, he was asked, whether he knew the hand-writing contained in the said proof sheets, and the separate paper thereto annexed? he replied, to the best of his knowledge, they were the hand-writing of Mr. Reeves.

At the request of Mr. Wright, he was again called in; and permitted to add to his evidence, as follows: That it was at his suggestion originally that the fictitious name of J. Moore was adopted by Mr. Reeves *pro tempore*, as it might be afterwards dropped; and at the meeting of the 30th of November, he mentioned the circumstance to the committee, who resolved that the name should be dropt. And being asked, why the resolution does not appear on the proceedings of that day? he answered, because it was considered merely as a private resolution.

The Reports were ordered to be taken into consideration on the 14th.

Dec. 14. The order of the day being read for taking the said Reports into further consideration, and the Resolution of the House of the 26th of November, being also read,

Mr. *Sheridan* said, that after the resolution which the House had just heard read, he should be much disappointed if there should appear any want of unanimity on the subject of the atrocious libel which had been so successfully traced to its source. He could not, however, help expressing an apprehension, from what had fallen on a former evening, that a difference of opinion might arise as to the mode of proceeding, and the measures which should be thought most likely to effect the ends of justice, and support the respectability of the House. When the first report had been presented, objections had been made, that the evidence which had been obtained was not sufficient; other gentlemen had thought, that it was fully sufficient to go to a direct prosecution of Mr. Reeves, either as the author or for acting as the author of the libel; and others had declared that the committee had stopped short at that point, which was in their judgment the most important. That mode of arguing, however, was founded upon a mistake which gentlemen made in the nature and object of the committee which had not been instituted to try a delinquent, but to inquire after and ascertain grounds whereupon to establish the delinquency, and who it was that had

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been the author of the libel in question. In order, therefore, to meet every objection, the committee in their second report had taken care to leave no room for similar objections: they had called upon Mr. John Owen, the publisher of the libel, who, he confessed, had been left in a very awkward situation by the state of the evidence on the first. On the last occasion, they had questioned him if he still persisted in his refusal to give up the author; to which he replied, he felt it his duty not to give up the author. The committee had deemed this silence on the part of Mr. Owen contumacious towards the committee; and had directed him, as chairman of that committee, to notice the same to the House. He had thus complied with their direction, but, ever anxious for the preservation of the liberty of the press, he did not wish to extend the proceedings of that House beyond the author of the pamphlet, nor should he have been inclined to be so rigorous towards him, but for the authority which he held, and which was so able to impose pernicious doctrines on the opinions of the people. With respect to Mr. Reeves, as he was chairman of the Association at the Crown and Anchor, it was the object of the committee to compare his handwriting in any of the papers belonging to that association, with the proof-sheets of the pamphlet, and as the only way to do so was by getting at the secretary, they made inquiries for that purpose, but the object failed. Mr. Thomas Wright denied that he had ever acted as secretary to that association, and being shown the name of J. Moore, secretary, signed to the first association declaration and resolutions of the society, on the 20th of November, 1792, he answered, that J. Moore was a man *in nubibus*, a mere fictitious name, as no such person existed. From Mr. Wright's evidence, however, it appeared that Mr. Reeves was the leading person of the memorable club of alarmists, who had set the country in a flame of fear and discontent, with the bugbear tales of plots and conspiracies, treasons hatched and hatching, of designs on the Tower and the Bank, and Jacobin clubs associated to introduce the levelling and Republican systems. It might, at a first glance, seem that the circumstance of the chairman of such an association as that at the Crown and Anchor being the author of the libel before the House, was of a trivial nature; but if it was considered that the chairman was himself in the constant habit of correspondence and intercourse with the treasury, that that society had 2,000 other societies, branching from, and affiliated with it, and that such doctrines as the libel held forth obtained the most fatal circulation through the country: when it appeared that the correspondence between Mr. Reeves's mother society and the two thousand nurseries of his principles, would make 14 folio volumes; he thought the seriousness of such a connexion was of no light consideration. Of all the occurrences which had arisen since the Revolution, it was the most alarming for the liberties of this country, that a man, countenanced, as he was, by government, with such means of disseminating his detestable doctrines, should, after having circulated the wicked principles of others through every ramification of the "Society for protecting Liberty and Property from Republicans and Levellers," be himself the author of a work which struck at the foundation of the government, which asserted the inutility of the two Houses of Parliament, and the sole and exclusive right of the government and the law existing in the king: when he saw all this, and knew that such an association, acting with a vicious vigour, erecting itself on deception, supporting itself by falsehood, and maintaining itself by notorious treachery and boundless corruption, had for its president, the author of the libel upon which the House had already decided, he thought it an alarming crisis for the country, and a most important object for the consideration of the House.—Mr. S. entered into a history of the association, which he said was commenced in November, 1792, and observed how remarkable it was that the nation was tranquil, no fears abroad or at home, no apprehensions entertained but for the issue of the war; that in one month after that society had been instituted, the nation was alarmed from one end to the other, the guards were doubled, a host of spies were for the first time employed under the sanction of those countenanced by the king of Great Britain's ministers; arms and ammunition were provided, and the duke of Richmond suddenly threw himself into the Tower with all the terror that might arise from an invasion: with what effect the House well knew. After secret committees of that House had formed their reports, and after Messrs. Hardy and Tooke had been

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threatened with all the penalties of treason, not one of the hired spies of ministers could prove a single fact in any shape resembling plot or conspiracy, although every effort of power, artifice, and corruption had been exerted to strengthen and support the charges urged against them.—The Association, he said, had commenced with conscious guilt, and had proceeded upon principles of fraud and treachery. It appeared from Mr. Wright's evidence, that while they advertised that they would receive anonymous information, they added as a *nota bene*, "all letters and communications are requested to be addressed to the secretary at this place." And who was the secretary? Mr. Wright said it was "a man *in nubibus*;" and that even the committee did not know, nor did any one but Mr. Reeves and Mr. Wright that it was a fictitious name. What must be thought of the credulity of that committee, and want of the conduct of him who instituted such measures, but as the operations of fear, of guilt, and imposture? At the third meeting of the society, it appeared that the committee was informed that the secretary was a non-entity. The effect this anonymous system had upon Mr. Thomas Law, could not be forgotten. Mr. Law, in a manner equally honourable to his head and heart, after remonstrating against the resolution for receiving anonymous information, withdrew from that society, and exposed the dark principle of its institution. It was remarkable also, that the very resolutions which constitute the anonymous system were carefully kept out of their books and open proceedings. —It was not, however, to this secret system of spies and informers, the invitation of anonymous information, nor the then circulation of the proceedings of that society, that the labours of the association were confined. The works of Soame Jenyns, Whitaker, and Arthur Young, were openly recommended and circulated by that society; and the thanks of Mr. Reeves given for doctrines, which were treasonable to the constitution of the country. He lamented that the committee had not been vested with powers more ample, as he was convinced, from what he had already seen, that they could have traced the existence of a regular and deep laid plot to introduce despotism into this country; and to have shown that the title assumed by that society, professedly to oppose "Republicans and Levellers," was only a pretext under which both Houses of Parliament were meant to be overturned, and tyranny completely established on the ruins of that little freedom which still remained in the country. He adverted to a precedent of 1680, when the Judges Scroggs, Jones, and Weston, were accused of countenancing despotism, wherein one of those judges expressed himself in terms the most harsh against Luther, Calvin, and Zuinglius, and against their followers; whom he had said, were men of such harsh spirits and such favourers of democracy, that nothing would serve them, but a parliament, but for his own part, he knew of no authority to whom he could look, nor of any law but what came from the king. Such was precisely the style of Mr. Reeves and his association: and he hoped the House would see their honour was concerned, in conferring a signal proof of their displeasure on the author of such doctrines. He could not avoid remarking, that by the two bills which had just passed, all public meetings in future were to be under the control of magistrates, that in the last commission Mr. Reeves was made a justice of the peace; and that in Westminster the mighty movers of sedition, as they were denominated, chiefly held their meetings. A right hon. gentleman had thought; that the paid magistrates of Westminster would not be the first to obtrude themselves at any of these meetings; and perhaps he himself might incline to that opinion. He did not think such a man as Mr. Bond, for instance, would, who always behaved in a fair and modest manner. He begged to be understood that he made no allusion to that gentleman's former mode of life. Whatever that might have been, when he certainly could have no expectations of his present rank, since he had been in office, he had always been respectable; and Mr. S. said he thought it highly improper in the other magistrates, when he came into the commission, to refuse to associate with him, and stigmatise him as "The Cut-purse of the empire and the rule." If such magistrates as these, then, would not be the first to disperse a public meeting, who would? Why, the man of all others would be Mr. Reeves. Mr. Reeves would make himself the chief justice of seditious assemblies, the dictator of the day; and if any person presumed to say that extravagant courts, selfish ministers, rotten boroughs,

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and corrupt majorities ought to be abolished and reformed, he it was, that would instantly call out to Townshend and Carpmeal, "Seize that fellow by the throat, away with him to prison, he is a traitor, and proclaims sedition;" because Mr. Reeves had previously declared that every one of these abuses was essential to our government. Therefore it was the duty of the House, after the passing of those bills, to hold out to the contrary an indemnity, by declaring that the abuses were not among the sacred parts of the constitution; or else in every meeting they would leave no rule for the magistrate, and no limits for the people, to preserve their right from violation. He had before exposed the falsehood of charges of plots and conspiracies. He lamented the credulity of ministers, if it was credulity that led them to believe them, and to adopt the Machiavelian principles of using base means to accomplish what they might conceive to be good ends. He then mentioned the particulars of the Pop-gun plot, as it was called, and stated the hardships that had been endured by Smith and Higgins. He believed that such proceedings as had taken place never could have been tolerated, if the minds of the people had not been previously poisoned, and that principally under the mask of loyalty, by Mr. Reeves. He did not wish to touch a hair of the heads of either printer or publisher; but when he considered all the consequences that had followed from the system of prosecutions, he thought no measures were too strong, no punishment too severe. He did not mean, however, to move for a prosecution, though he had no mistrust of the learned gentlemen opposite. He put it to the House, whether they ought not to measure equal justice for a conspiracy to lop off the Lords and Commons, as for a conspiracy to depose the king? The pamphlet was not a theoretical treatise on government, but a practical exhortation, addressed to the plain sense of the people. What he proposed therefore was to move for the censure of the House, and to proclaim that censure by having the pamphlet burnt by the hands of the common hangman. He objected to a prosecution most peremptorily, as he wished to set an example of lenity and mercy, contrary to what Mr. Reeves himself practised; but, though it was with great reluctance, he submitted to the ministers themselves whether this should not be followed up by an address to his majesty to remove him from any place of trust; and instead of committing him to Newgate, he designed to move that he should be summoned to attend at the bar of that House, to receive a reprimand from the Speaker, and be recommended to make a disavowal of his sentiments. He concluded with moving, "That one of the said printed books be burnt by the hands of the common hangman in the New Palace-yard, Westminster, on Monday, the 21st day of this instant December, at one of the clock in the afternoon; and that another of the said printed books be burnt by the hands of the common hangman before the Royal-exchange in London, on Tuesday the 22d day of this instant December, at the same hour; and that the sheriffs of London and Middlesex do attend at the said time and places respectively, and cause the same to be burnt there accordingly."

Mr. Secretary *Dundas* said, it was not his intention to advert at present to what had passed on the night when the House came to the resolution that the book in question was a seditious libel. Having been absent that night, he had not the advantage of hearing the book read. Whether he might, or might not, however think it had a dangerous tendency, it was his duty to found all his observations on that resolution. He owned he viewed the subject in a very different light from the hon. gentleman. The House would act in taking up the matter in the way the hon. gentleman desired, at once as party, prosecutor, and judge; a complication of powers, which he thought they should by no means exercise. It was his opinion, he confessed, that nothing could have more tended to preserve the dignity of the House, or to support its honour and character, than that the libels, which had been lately published in such extraordinary numbers, had more frequently met with censure than punishment; many of which were in the highest degree, contumacious, and levelled directly at the proceedings of the two Houses of Parliament; though the reforming eyes of gentlemen on the other side had not taken them into view. What must any gentleman who valued the privileges of that House, think, upon reading, as he had done, in a paper, a paragraph to this

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effect: "Last night the bill for repealing the British constitution passed the House of Commons." Had the motion of the hon. gentleman been confined to a case of mere literal breach of privilege, it might not perhaps be inapplicable; but when he complained of a transcendant breach of privilege, to which the House had applied so very strong a resolution as it had come to, he for one should set his face against a mode of proceeding suited only to a mere ordinary breach of privilege. Such had been uniformly his opinion; and he should require nothing more to confirm him in it, or to convince the House than the tenor of the hon. gentleman's motion. As far as he understood him, the motion was in the first instance, that the book should be burned by the hands of the common hangman; and that was to be followed up by an address to his majesty to remove Mr. Reeves from all offices of trust. Thus, without affording the accused the legal opportunity of encountering the evidence by cross-examining, and invalidating the testimony of witnesses, or of making a defence, but merely on *ex-parte* evidence not even taken upon oath, he was to suffer a punishment the worst almost that could be inflicted, namely, a total incapacitation from all offices of trust. The question really was, whether the Commons would, in a case in which they themselves were parties, proceed to decide by their own power, or refer the matter to a trial by another judicature? The resolution which passed on a former night, had declared the book to be a malicious and seditious libel; and the Commons having so given their opinion already on the subject, no one could deny that it was fit for legal inquiry, and that another jurisdiction would more properly more soberly, and more temperately, take up the matter than the House. There was not a single topic of accustomed attack which the hon. gentleman had not contrived to seize by the head and shoulders and force into his speech. Mr. Reeves, the association, ministers, judges, justices; all these were the sports of his invective that night. The hon. gentleman needed not have taken the trouble to own, that not the pamphlet, nor the supposed author, merely as author, but that Mr. Reeves, the head of the loyal association, was the object of his aversion. There was no one who had the least doubt that the reason of the hon. gentleman's bringing his charge against Mr. Reeves was, that he had set on foot those associations. Mr. Dundas said he was free to confess, that, so far from feeling severe to Mr. Reeves he was of opinion, that, in the year 1792, the association sat on foot by that gentleman had done infinite good to the country. This was his opinion, however other gentleman might entertain a different sentiment. If the hon. gentleman was of a contrary opinion, and really thought that the association had been productive of mischief, he had certainly a right to be offended. In the breasts of those who thought with him, that to those associations guarding the minds of the people against the poison of their insidious enemies, and awaking them to their danger, the present peace and quiet of the country, was, in a great measure, to be attributed, no rancour or severity against the promoter of those associations could find place. It would be their duty, then, to lay that circumstance quite out of their mind; and so far the hon gentleman's argument would be of no effect. The House, he again said, must ground their whole proceedings on the resolution already come to. There was nothing more therefore, that they could of themselves do, to add to the effect of that resolution. The plan proposed, namely, that of burning the pamphlet, would be doing nothing. If the publication were really mischievous, that was not the way to prevent its pernicious effects; since experience must inform gentlemen, that they could not take a more effectual method of promoting its circulation; for thousands would be sold in consequence of its being burned that would not otherwise have been enquired after. Were gentlemen ignorant how many most pernicious pamphlets were circulating at that very time? Was parliament to select that one, and leave the rest behind? If gentlemen were disposed to comprehend all such libels in their censure, let them do it; let a committee be appointed to take them all, and make a bonfire in Palace-yard. If all that were truly dangerous (for surely they would not seriously say that danger was solely to be apprehended from the pamphlet in question) were committed to the flames, the bon-fire would be great indeed, as large a one as Palace-yard would hold. To condemn this alone would, in fact, be giving an *imprimatur* to the rest. It was better, therefore, to let it go to a

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regular prosecution. If the present motion passed, it could not stop there: something farther must necessarily be done: and justice and consistency demanded that they should send it to a jury, who would give a fair and impartial verdict on the subject. For these reasons he would move an Amendment, to leave out all but the first word of the motion, and in its place to substitute—

"That an humble Address be presented to his Majesty, humbly to desire his Majesty that he will be graciously pleased to give directions to his attorney-general to prosecute John Reeves, esq. as the author or publisher of a printed pamphlet, intituled, "Thoughts on the English Government, &c." and also the Printer thereof, in order that they, or he, may be brought to condign punishment for the same."

Lord *Sheffield* said, he should think it a loss of time, to notice the extraordinary episodes, in the speech of the hon. gentleman who began the debate; but he could not refrain from alluding to the shameful proposition, of condemning a man before he had been proved guilty. It had been said, that this House was the most proper place to pass sentence upon the author of the pamphlet: he thought it was the worst, and he was apprehensive his reasons for expressing that opinion would not flatter either side of the House. He observed that one set of men, instead of prosecuting a libel against the constitution, meant to persecute a man whom they considered as having counteracted their views; and, on the other side, he observed a disposition to shrink from and withhold the common protection due to a man, whom it was evidently intended to oppress, although they did not consider him as guilty. His great anxiety that the House should preserve the character which became them, obliged him to wish the pamphlet to be sent to a fair trial, and that the prosecution should be carried on by the attorney-general, in a court where the question would be decided by evidence on oath.

Mr. *Jekyll* said, he differed entirely from Mr. Dundas in his ideas of the propriety of sending the case to a court of law; because, although he thought as highly of that tribunal as any man, yet he must say that House ought to take care of its own privileges. The right hon. secretary had argued as if the pamphlet did not contain that which the House had declared it did contain. The publication was an attack upon the very existence of parliament, and he regarded it as part of a system which had been long acted upon by Mr. Reeves and his colleagues all over the country. He was therefore of opinion, that such an attack was only cognizable by parliament. A warm panegyric had been pronounced upon the associations. Did the right hon. gentleman approve of the mode in which the Crown and Anchor association had proceeded? Did he approve of the idea of a fictitious secretary, or of anonymous information being encouraged? Did he not think that such a proceeding would be a disgrace even to a Venetian government? By the Crown and Anchor association, pamphlets had been circulated, in order to establish the Jacobin principle of affiliated societies, at the very time when the society were so warmly contending against all principles of that description. His hon. friend had not said, that he would move for an address to his majesty to remove Mr. Reeves from any place of trust. Such a motion he trusted would be unnecessary; because he hoped there was virtue enough in the executive government not to employ such a man. Mr. Reeves was a magistrate, and might act under the last of the two bills that had been past. To the objection that had been adduced against the House taking judicial cognizance of the libel, he should reply by asking whether the House, previous to the recent state trials, had not, by their secret committee, anteceded and almost superseded the functions of a grand jury? He should therefore vote for the motion of his hon. friend.

Mr. *Sylvester Douglas* expressed his surprise, that the learned gentleman who had just spoken, had imputed to his right hon. friend an intention of combating the condemnation passed by the House on the publication in question, under the pretext that he had been absent on other duty when that resolution was come to. He said, it was very unlike that gentleman's known character, to resort to pretexts and subterfuges; but, in the present instance, the very amendment he had proposed, was necessarily founded on the adoption and assumance of the former resolution. He agreed with his learned friend, that the hon. mover had opened the debate in a very ample style. He had, indeed, gone into a very wide field, having introduced a great deal of matter totally foreign to the business before the

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House. Although this motion arose out of the second report of the committee of which the hon. gentleman had been chairman, he had wisely abstained from any kind of remark, to show how the new evidence at all bore upon, or strengthened the case, as to the conclusion the committee had drawn from the former proof, that Mr. Reeves was, or had acted, as the author of the publication in question. He had done so wisely, because there was not a possibility of maintaining that there was any new proof of that kind, or any thing more, in the second report, than some repetition of the former matter, and a great deal of irrelevant inquiry and examination, concerning the fictitious existence of a nominal secretary to the Crown and Anchor Association. The hon. gentleman had read a variety of detached sentences and passages from two octavo volumes, which he stated to be the printed proceedings of that association, of which Mr. Reeves was chairman; and he had wished the House, in the first place, to treat Mr. Reeves as responsible for all those passages; and, in the next place, on the sudden, without any opportunity of perusing the context, to condemn those passages, as dangerous libels on the constitution. He wondered much, that that hon. gentleman should have taken this line of argument. Some time ago, when a noble lord (Mornington), had, in a debate on one of the two bills which had lately passed, cited some extracts from the printed proceedings of the Corresponding Society, the hon. gentleman had censured what he called such an undue use of mutilated scraps and quotations. But the noble lord had made those quotations from publications easily accessible, of no great size, and while the House was acting in its deliberative capacity. The hon. gentleman's conduct this evening was very different. He pressed his citations on the House, acting in its judicial character, and about to come to an immediate sentence, when there could be no opportunity of comparing them with their voluminous context. But supposing it were admitted, that Mr. Reeves could be made responsible for those passages, and that they were as reprehensible as the hon. gentleman contended, still it was contrary to the wise and generous policy of this country, to suffer the production of evidence, that a person had been guilty of former and other crimes, when he was under accusation on some distinct charge.— He said, he should certainly vote for the amendment, because he thought a trial before a jury would have the double advantage of furnishing by far, the most satisfactory means of investigating the truth of the charge, and of enabling the person accused to avail himself of the regular modes of defence practised in trials by jury. Among other favourable circumstances, the defendant, if that course should be taken, might resort to the legal assistance of different learned members of that House; an advantage he must forego if farther proceeded against in the House itself. In that last case, for example, he could not employ as his counsel, an hon. and learned member (Mr. Erskine) who, besides his great experience and acknowledged talents and eloquence, seemed to take particular pleasure, as he had met with particular success, in the defence of clients charged with that sort of offence which was the subject of the present discussion. He thought it rather strange, that the gentlemen who had been loudest in their denunciation of this libel, were contending against a mode of prosecution, which would inflict a much greater and more adequate punishment on the person charged, if the charge should be made out, than what they desired the House to pronounce; and from which nothing could protect him but the establishment of his innocence, by the verdict of a jury. Was it not extraordinary, that on this occasion, those should object to the appeal proposed from the opinion of this House to the decisions of a jury, who, in the case of the acquittals last year, had been so vehement in their applause of a similar appeal?—With regard to the libel itself, he should not enter at any length into the consideration of the nature and enormity of the guilt imputed to it. When it was first brought before the House, he had thought the passage specially complained of highly unconstitutional, and deserving, in a particular measure, the animadversion and censure of the House. He could not, indeed, agree to the sentiment which had fallen from two learned friends of his, that the passage was of such a nature as to make it quite impossible that its context should show it to be innocent, or even less reprehensible than it appeared when taken by itself. He could never subscribe to an opinion which seemed to him so monstrous, namely, that there could exist any set of words whatever, forming only part of an entire discourse, spoken or

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written, which should be so essentially and abstractedly criminal, as not to be capable of an innocent interpretation, from a consideration of what might go before or come after them in the same discourse. He had thought it his duty to do that which probably he might never otherwise have done—to read the whole work with all the attention in his power. He had also listened with great attention to what had fallen on two former occasions, from a right hon. friend of his, in exculpation of the pamphlet. What that gentleman had said, had, he was sure, been dictated by sentiments of justice and of generosity, natural to his fair and manly disposition. Knowing the integrity both of his character and judgment, his arguments had led him to pause and hesitate; but though those arguments had produced hesitation, they had not carried conviction to his mind. He continued of the opinion, that the passage complained of, taken with all its context, professed a doctrine, dangerous and unconstitutional; and that though some other parts of the work had a tendency to mitigate the offence contained in that passage, there were others which operated the other way, particularly one, in which the author states, that the king makes and executes the laws. One observation of his right hon. friend on the passage in question had been, that the most exceptionable part of it was expressed in metaphorical language; from whence he seemed to infer, that it was more difficult to extract from it, with judicial certainty, a culpable meaning. He owned, he could not think so. He thought the doctrine, that if the two branches of Lords and Commons were totally destroyed, the lawful government of England might still remain, was as distinctly and unequivocally expressed by the author's metaphor, as if he had used the most direct and simple language. A guilty sentiment might be conveyed in the clearest manner by figure and metaphor. Of this a remarkable example occured to his memory. When the infamous Barrère came to give his vote for the murder of his sovereign, he had the deliberate barbarity to express himself in a metaphor. "I vote," said he, "that the tree of French liberty shall be moistened with the blood of the tyrant of France;" an expression, which, however congenial the sentiment it conveyed was to those of his own heart, so revolted the taste of the Abbé Seyes, that he could not abstain from a sarcastic allusion to it, when, in pronouncing his own verdict, soon after that of the other, he said—"La mort, sans phrase."

Mr. *Martin* said, that the mode of procedure proposed was justified by precedent; the object of it was not to burn Mr. Reeves, but his book, and therefore he should give his vote for it.

Mr. *W. Smith* said, that a noble lord had insinuated, that those who brought this measure forward, were influenced rather by animosity against an individual, than by a strict desire of public justice. He, however, desired to disclaim every insinuation of that kind, both for himself and those who agreed with him upon this subject. As far as his individual opinion went, he was averse to prosecution in general for publications, unless they tended to some overt act of a breach of the peace. However absurd, false, or unconstitutional a book might be, unless it had that tendency, he should only wish to meet it with refutation and exposure. He was also ready to admit that, in his opinion, there was more danger to be apprehended from the works which had been published on the popular side of the question, than from those which had appeared on the other; because he did not think that, in the present enlightened state of mankind, they could be reasoned into an attachment to despotic monarchy. There certainly were some publications not on the popular side of the question, which did, in his opinion, call for punishment; and, above all, those which attributed to every person who exerted himself in support of liberty, the most atrocious principles. With respect to the book in question, it was not necessary to say anything upon its pernicious tendency, because the resolution of the House was decisive upon that point; but he wished to observe, that this was not a single pamphlet, but one of a number founded upon the same principles; as a proof of which he referred to particular passages in some letters from Thomas Bull to John Bull, in which the same doctrine was held. The mode proposed by his hon. friend appeared to him the most consonant with propriety: because, if this question was sent before a jury, they must give a general verdict of guilty or not guilty. Now, if the jury were of opinion, that there was not sufficient evidence to justify them in finding Mr. Reeves guilty of being the author or publisher of this book, they must of course bring in a verdict of not

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guilty; and how would that verdict be construed by different parties? One side would contend that the jury had acquitted the defendant, because there was not sufficient evidence to convict him of being the author or publisher; and the other side would argue, that he was acquitted because the jury were of opinion the pamphlet did not contain any libellous or seditious matter. He thought such a dispute would not be very much for the honour of the House, and therefore he should vote for the original motion.

Mr. *Jenkinson* said, that the report of the committee contained some insinuations against a noble lord nearly connected with him (lord Hawkesbury); and some observations which had fallen from different gentlemen of a similar tendency, induced him to rise for the purpose of declaring, that the noble lord alluded to did not know of this book until it was made a matter of public discussion, and that no copy whatever had been sent to his office. With respect to the situation which Mr. Reeves held under that noble lord, it was one which he had held for ten years; and he could assert, that that noble lord was fully satisfied with the punctuality and fidelity with which he had performed the duties of his office.

Sir *W. Young* thought the ends of public justice would be fully answered, if the author were called to the bar of the House, and reprimanded by the Speaker. The sentiments of the House would then go forth into the kingdom, and it would be universally known that they equally abhorred attacks upon every part of the constitution.

Mr. *Fox* said, that with respect to the danger to be apprehended from the pamphlet, he could not allow that the danger of an arbitrary government being established was wholly chimerical, though he was ready to allow that the recent feeling which had been excited by the two bills had, in a considerable degree, diminished his apprehensions of such an event. In a mixed government like this, however, all publications were dangerous which tended to give to one of the parts of that government too great an ascendancy over the rest. It might be asked, why, if no prosecution were wished, all the facts had been stated? For this reason—to convince the House of the impropriety of the pamphlet. What was it that he desired? It was this, that as a pamphlet such as this had been brought before the House, the House should not content themselves with a vote of censure, but should make the pamphlet undergo, as it were, the ignominious punishment of burning. With regard to precedents, he contended that they were, with a very few exceptions, in favour of the original motion. Early in the present reign, a pamphlet, called "Droit le Roi," * had been complained of, censured, and burnt. At the commencement of the American war, another pamphlet, called "The Crisis," had also been burnt. Why, then, should it now be for the honour of the House to show such tenderness for the doctrine contained in this pamphlet, as to exempt it from the punishment which had been inflicted on similar doctrines? An insinuation had gone forth that there was a wish to oppress Mr. Reeves, and a noble lord had stated that that gentleman was to be persecuted because he had counteracted the views of gentlemen on his side of the House. Now he would fairly own, that Mr. Reeves had counteracted his views. His views had been to put an end to all religious differences. Mr. Reeves's association, however, had tried to light up the flame of religious discord all over the kingdom. His own object had always been to preserve the balance between all the parts of the government. Mr. Reeves, however, by the circulation of Mr. Soame Jenyns's doctrines, and other pamphlets, had tried to destroy that balance. He was, therefore, not ashamed to say that Mr. Reeves had counteracted his views. He had mentioned Mr. Soame Jenyns's pamphlet, he had read it when it first came out; he thought it ingenious and innocent. But though Mr. Jenyns wrote it innocently, did Mr. Reeves circulate it innocently?—and this was the material difference. Arguments had been used to show that the House, if they adopted the motion, would at the same time be judge and jury. Was it not in the nature of things that it must be so? And in a case which related to its own privileges, how could it be otherwise? Could any of the courts below vindicate their privileges, in any other manner than by acting both as judge and jury? If he were asked, whether he would stop here, his reply would be, that he had no objection. He had no objection also to sending for Mr. Reeves to the bar. At the bar he might make his defence, and

* See Vol. 15, p. 1418.

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comment upon the evidence that had been adduced against him in order either to disprove it or abate its force and application. About punishment he was little solicitous; and he should even have cared little about burning the pamphlet, if Mr. Reeves had not been at the head of these associations, and if this and other pamphlets, circulated by those associations, had not proceeded from the same shop. The removal from a place of trust was certainly a severe punishment; but was it not inflicted in cases where particular tests were not taken? Had it not been inflicted in similar cases to the present.* In the case of the bishop of Worcester, who had interfered in an election, did not the House petition the queen to remove him from the office of almoner to her majesty?

Mr. *Pitt* referred to two precedents of a contrary tendency; that of Mr. Murray, in 1751,† and that of a letter called "The South Briton," in 1774,‡ in which the House had ordered prosecutions by the attorney-general.

Sir *W. Dolben* was proceeding to defend the pamphlet, when he was called to order by the Speaker, who told him that the House having voted it to be a libel, it was not permitted to any member to defend it. If the worthy baronet wished to rescind the resolution of the House, it was competent to him to make a motion to that effect on another day.

Mr. *Courtenay* said, he wished to propose, as a conciliatory measure, that the book in question should be burnt by Mr. Reeves himself, and that, if necessary, Mr. Arthur Young should assist.

Mr. *Windham* said, that as the House had decided upon the pamphlet, he would not presume to defend it; but he would assert, that if the principles contained in it were unjustifiable, still there did not appear any proof of a bad intention in the author. The pamphlet had not been printed in a cheap shape, as many gross libels on the other side had been, for the purpose of being more easily circulated among the lower classes of the people. He was happy to hear those gentlemen profess such anxiety for the preservation of the constitution in all its points: hitherto they had seen, unmoved, innumerable libels on the monarchical part of the constitution. Those watchful guardians were then asleep; but the moment a pamphlet appeared on the other side, then all their vigilance was roused and all their vengeance called forth. He noticed the sudden change which had taken place in the opinion of those gentlemen with respect to juries; at one time they were idolized, and their decision even set above those of the House of Commons; but now the opinions of the gentlemen opposite were changed, and they were afraid to venture before a jury. Being bound by the decision of the House to admit that this pamphlet was a libel, he should give his vote for a prosecution by the attorney-general, rather than for any other mode of punishment.

Mr. *Sheridan* said, that if he did not wish to send Mr. Reeves to a jury, it was because he did not wish to commit the privileges of the House to the king's attorney-general. If Mr. Reeves should be found guilty, perhaps the secretary at war, would call him a "convicted innocent," as he had called others "acquitted felons."

Sir *G. P. Turner* was against burning the pamphlet by the hands of the common hangman, which would only draw a crowd of idle people together, make them neglect their business, and occasion a great loss to the community.

The question was then put on the proposed omission of the words of Mr. Sheridan's motion, which was carried without a division. It being then supposed that the subject was disposed of, the greater part of the members had left the House before the question could be put on the words proposed to be inserted by Mr. Dundas; and on sir W. Dolben and Mr. Dent calling for a division, the House divided:

Tellers.

YEAS	Mr. Adams - - - -	25
	Mr. Wigley - - - -	
NOES	Sir William Dolben - -	4
	Mr. Pole Carew - - -	

And it appearing, that forty members were not present, the House adjourned.

Dec. 15. Mr. Sheridan moved, That the farther, consideration of the Reports of the Committee appointed to inquire who was the author of the pamphlet intitled, "Thoughts on the English Government," be resumed. He observed that he was adverse to the particular

* See Vol. 6, p. 53.
† Vol. 14, p. 1084.
‡ Vol. 17, p. 1054.

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mode of proceeding proposed by the motion, but as it was not proposed to prosecute the printer and publisher, he was adverse to the affair resting where it was, and would therefore move, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions to his attorney-general to prosecute John Reeves, esq. as the author or publisher of the said pamphlet." The motion was then agreed to.*

Debate in the House of Lords on Mr. Reeves's Libel on the British Constitution.] Dec. 2. The order of the day being read,

The Earl of *Albemarle* said, he would state, as shortly as possible, the reasons that had induced him to cause their lordships to be summoned upon the consideration of a pamphlet which he was sure all who read it must acknowledge to be a performance that required their immediate interference. The pamphlet contained doctrines directly hostile to the spirit of our constitution, and tending to alienate from the minds of the people their affection for it. It was also a gross and unwarrantable libel upon the privileges of the House. This not being a party question, nor a subject of discussion (for no man in that House, he was sure, would rise to defend the doctrines it inculcated) he hoped, for once at least, their lordships might come to an unanimous vote upon it. Much as he was averse to prosecutions in general for the publication of political opinions, he must nevertheless press for the condemnation of this book, inasmuch as, from the peculiar circumstances attending it, it formed an exception to the general rule. If the selection of a few passages only were brought forward, and those were not supported by the general context of the work, then he should say it was harsh to judge it in that mode. But if those passages were strengthened by the general tendency of the work; if the doctrines inculcated were uniformly sustained by the whole chain of reasoning which the author employed, and if, throughout, the intent of the author appeared evident and uniform, then they might be fairly quoted. If, also they were merely the speculative opinions of an insulated political writer, and were left to the common modes of circulation, much excuse might be admitted. If, on the other hand, the pamphlet throughout was an atrocious libel on the constitution; if it was one of the many libels circulated upon the same system; if it came from a person whose particular connexion with government, gave it weight and influence in the country; then it became matter of serious consideration indeed; particularly as it was understood to contain principles not discordant to the sentiments of a nobleman high in office, under whose influence they might have been disseminated. Under such circumstances as these, it became their lordships to interfere, and determine upon the libel. He should be well content to have the pamphlet read at length to their lordships, without offering a single comment: he was sure it would condemn itself; for the passages it contained were so strong, they were impossible to be mistaken; and their tendency so direct, that they would immediately carry a conviction of their meaning. He would not, however, so severely tax the patience of their lordships; because, although it was a laboured and artful work, it was wretchedly dull. To save, therefore, their lordships the trouble, he would recapitulate the positions it maintained, and then read a few of the passages, by which they were endeavoured to be supported. 1. That the king alone makes laws. 2. That the other branches of the legislature are derived from the king. 3. That our liberties were grants

* On the 20th of May 1796, the Trial of Mr. Reeves for the said Libel came on before lord Kenyon, and a special jury at Guildhall. The Attorney General stated the case on the part of the Crown, and left it to the jury to consider, whether the expressions alluded to were merely unadvised and erroneous; or whether, considering the whole context of the pamphlet, they were, as charged, libellous, and tending to villify the constitution. Mr. Plumer, in behalf of Mr. Reeves, admitted the fact of publication; and contended, from the whole tenor of the work, and the known character of Mr. Reeves, and his enthusiastic admiration of the British constitution, that no imputation of libel could be fixed on him. Lord Kenyon delivered an able charge to the jury, who retired, and remained out of court for upwards of an hour. When they returned, the foreman said, "My lord the jury are of opinion, that the pamphlet, which has been proved to have been written by John Reeves, esq. is a very improper publication: but being of opinion, that his motives were not such as laid in the information, find him—Not Guilty." This interesting Trial has never been published. The Editor is, however, informed, that a correct report of it, from the short hand notes of Mr. Gurney, will be preserved in Howell's State Trials.

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from the king. 4. That the only object of the Revolution was to secure us a Protestant king. And, 5. That the verdict of juries went for nothing. In quoting the passages, he would not overstrain the sense of the author; indeed, they were so plainly expressed, that, when their lordships heard them, they must assent to their tendency. But if it should be objected, that he put a forced construction upon them, he would give up the point, and willingly refer to the direct tendency of the whole work. His lordship here read extracts from the pamphlet, intituled, "Thoughts on the English Government." The one which he considered to be the strongest, was that, commented upon so much in the other House of Parliament, in which the author compared the English government to a tree, of which monarchy was the trunk, and the Lords and Commons the leaves and branches. The leaves and branches of the tree might be lopped off and thrown into the fire, and yet the trunk, though shorn of its honours, would continue: so the kingly government would remain entire, though the Lords and Commons should be lopt off. This was so directly the reverse of all the principles of the constitution, that it required no argument to prove it. The Revolution also it was asserted, only secured us a Protestant king; the word was unknown to the English law, and must be displeasing to the king to hear of. Good God! could the mention of the Revolution be unpleasing to the House of Brunswick! That Revolution which placed them on the throne which they now filled! Nay more, the author said, that the Revolution had never been mentioned in the records of parliament; an assertion that proved the ignorance of the writer, as much as the other arguments he had stated proved his wickedness and his folly. The writer forgot that no longer since than the trial of Sacheverel, it was recognized by both Lords and Commons. In another passage, the author treated the dissenters as a set of men who ought to be extirpated from the earth; and speaking of the late trials, said, though the persons arraigned were acquitted by the jury, they were condemned by the country. If this did not go to make the verdict of a jury pass for nothing, he did not know what did. He should content himself with laying the pamphlet on the table.

The *Lord Chancellor* said, it was necessary the noble lord should move something.

The Earl of *Lauderdale* said, his noble friend was perfectly in order in delivering in the book at the table. His noble friend had so ably stated the dangerous tendency of the pamphlet, and had so fully established his charge against the author, of being guilty of the most audacious attack on the privileges of the House, that it would be superfluous to add any thing farther in support of his proposition. The first impulse which ministers ought to have shown on the occasion was, their indignation at the calumnies they had just heard read against the dignity of the House, and the safety of the constitution.

The Earl of *Albemarle* then moved, "That the said pamphlet is a malicious, scandalous, and seditious libel, containing matter tending to create jealousies, and divisions among his majesty's loyal subjects; to alienate their affections from our present form of government, as established in King, Lords, and Commons, and to subvert the true principles of our free constitution; and that the said pamphlet is a high breach of the privileges of this House."

Lord *Grenville* said, that with respect to the insinuation, that government had any part in the distribution of the pamphlet adverted to, he thought it too frivolous a charge to demand any reply; for how could it be imagined that his majesty's ministers would use their influence to circulate a publication, calculated to alienate the subjects of this country from the government and constitution, as composed of King, Lords, and Commons? He declared, he had never heard a syllable about the pamphlet, till it was alluded to by the noble earl in a former debate; and even then he was totally ignorant of the person described as the author. To this moment he had not read it, except half a page in the hands of another person; nor was he farther acquainted with the contents, except from the passages which he had heard quoted by the noble lord. Those passages, he felt no hesitation to declare, were, to his judgment, libellous. He could not, however, help expressing his astonishment, to find the present motion brought forward, when proceedings had taken place in the other House. The Commons had already come to a determination upon this question, and were employed in tracing the author. The reasonable presumption was, that they meant to proceed criminally against him, and this might be by impeachment, as

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was done in the case of Sacheverel. If such should be the result, their lordships must perceive the dilemma to which they would be reduced, should they now come to a determination upon the subject. They would be the judges of a man, whom they had legislatively condemned, and the case would come before them already prejudged by their former resolution. Upon these grounds, he should move "That the House do now adjourn."

The Earl of *Lauderdale* said, that when he expected an opposition to his noble friend's motion, he expected it upon some such grounds; for he was certain that no man in that House would dare to stand up and defend the libellous and scandalous doctrines contained in the pamphlet. He was shocked at the libel, because, from the context, nothing could be more evident than that it was a premeditated and malignant insult offered to the government, as composed of King, Lords, and Commons. He was surprised to hear the noble secretary advance, that because the Commons had paid a regard to a breach of privilege, their lordships should be negligent of theirs. Should they, in a matter which concerned their own privileges, be bound by what was passing in the Commons? If they should come to the vote, it would be a very good argument in the other House why impeachment should not be the mode of prosecution; but it came with an ill grace from a noble lord in that House. It was making the privileges of one House dependent upon the other. He called on the noble secretary to consider what must be the opinion of the public, when they found a question like the present eluded by a side wind; when they saw that ministers were not so ready to come forward to prosecute excesses on one side as excesses on the other. It had been pretty loudly rumoured, that a number of these pamphlets had been sent to a person high in office, which at least argued, that the author supposed they were congenial to his sentiments, and would be sanctioned by administration.

Lord *Hawkesbury* was happy at having an opportunity of contradicting a most false and scandalous report, that a number of the pamphlets had been sent to him. This he positively denied: he declared, upon his honour, that he did not so much as know of the publication till it was noticed in the House of Commons, and then he bought it out of curiosity to see what the pamphlet was. He was sure noble lords must know, he would never countenance any doctrine which carried the least reflection on the government of King, Lords, and Commons. It might not be irrelevant to say something of Mr. Reeves, the supposed author. It was true, that he had been appointed law clerk in the department in which he (lord H.) had the honour of serving the crown; and he was appointed upon the best of recommendations, the recommendation of personal merit. He had written a History of the law of England, a work which evinced the powers of his mind, and was highly esteemed by every lawyer, both on the bench and at the bar. Of the present work, he would repeat, that he knew nothing; he was perfectly unbiassed and uninfluenced as to the contents; he should however, give no opinion whatever respecting them at that time; and for the reasons already urged by his noble friend, should support the motion of adjournment.

Earl *Spencer* agreed, that in the House of Lords alone, the privileges of their lordships ought to be considered; and he said, he would be the last man to give up any of their principles; in the present instance however, he saw great impropriety in coming to a decision. With respect to the pamphlet he did not know of its existence till it was brought forward in the other House. He had not read it. It was necessary that time should be given their lordships to read and to consider the work. In what he had heard that night read from it, there was much unconstitutional and offensive matter; but passages might be taken from almost any work highly objectionable while they were detached, but which with the context, might be not only harmless but laudable.

Lord *Mulgrave* said, that the question before their lordships was, whether it was proper to go into an enquiry on the subject of the privileges of that House at that moment, a question which he for himself had determined in the negative. The question might come before their lordships judicially, in one form or other. The Commons might resort to the high tribunal of impeachment as the best mode of obtaining the ends of justice, and he hoped the House would feel the force of that argument. They would in a great measure prejudge the case in that view, if they then came to any vote upon the contents of the publication.

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The House divided on the question of adjournment: Contents, 31; Not-contents, 2.

Debate in the Commons on the Agreement of the House for lessening the Consumption of Wheat.] Dec. 11. The Lord Mayor reported from the Committee on the High Price of Corn, that the Committee had come to the following resolution: "That it is the opinion of this Committee, that, in consequence of the high price and deficient supply of Wheat, it is expedient to adopt such measures as may be practicable for diminishing the consumption thereof, during the continuance of the present pressure, and for introducing the use of such articles as may conveniently be substituted in the place thereof." The Resolution was agreed to by the House *nem. con.* After which, Mr. Ryder moved, That it is expedient an Engagement should be entered into, by such Members of this House as may choose to sign the same to the following effect:—"To reduce the consumption of wheat in the families of the persons subscribing such Engagement, by at least one third of the usual quantity consumed in ordinary times. In order to effect this purpose—either to limit to that extent the quantity of fine wheaten bread, consumed by each individual in such families,—Or, to consume only mixed bread, of which not more than two-thirds shall be made of wheat,—Or, only a proportional quantity of mixed bread, of which more than two-thirds is made of wheat,—Or, a proportional quantity of bread made of wheat alone, for which no more than five pounds of bran is excluded:—And, if it should be necessary, in order to effect the purpose of this Engagement, to prohibit the use of wheaten flour in pastry, and to diminish as much as possible the use thereof, in other articles than bread.—By one or more of these measures, or by any other which may be found equally effectual, and more expedient and practicable, in the respective situations of persons subscribing, to ensure to the utmost of their power the reduction above mentioned. This Engagement to continue in force until fourteen days after the next session of parliament, unless the average price of wheat shall, before that time, be reduced to an amount to be specified."

Mr. *Bankes* said, he regarded the labours of the committee with great respect, and he hoped the House would endeavour to carry into execution the proposition which the report contained, being himself perfectly ready to do every thing in his power for that purpose. He wished the House, however, to recollect seriously whether the proposition would be in any considerable degree effectual, or adequate to the removal of the evil of which they had so much reason to complain. He believed that the gentlemen who would sign the proposed agreement would comply, as far as they were able, with the provisions of it; he nevertheless feared that would not be of an extent sufficient to meet the evil. An agreement to something of this nature had been entered into some time ago by many persons of the first distinction; it had not, however, removed the evil; and he was afraid that this measure would also be inadequate, and that in a few months the House would be obliged to go much farther. He should therefore suggest to the House the propriety of prohibiting at once the making of bread of wheat alone, and leaving the different compositions of bread to be of a mixture of wheat, rye, barley, potatoes, or Indian corn, as the case might require, and in certain proportions. If the House did not adopt it then, he was afraid they would soon be obliged to adopt it. He wished also the House to consider whether millers should be allowed to refine wheat flour beyond a certain standard. He apprehended that the danger of these regulations, in consequence of the hardships which they would introduce, were in a great degree chimerical; for he believed that the great mass of the people would not take it to be an injury if the higher classes set them the example of eating this bread. The higher classes could at present eat what bread they pleased, but the lower classes were so far from it that they could not subsist upon the wages for their labour, and a vast number of them were obliged to subsist upon charity. Therefore it appeared to him that the better way would be to come at once to a regulation by law, with regard to bread, that the rich might be compelled to eat the same bread as the poor. He did not say this in contradiction to the opinion of the committee who recommended the agreement now proposed; on the contrary, he approved of it as far as it went; but he was afraid it would not go far enough to remove the evil.

Mr. Secretary *Dundas* contended, that the principle of the measure was a good

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one: it was, that while the rich were enjoying other luxuries, they should diminish their consumption of bread in order that more of that necessary article of food should be left for the use of the poor, who were not able to procure other articles of food. The hon. gentleman seemed to think that the association would be ineffectual, and one of his reasons was, that it was an unusual thing. That, in his opinion, was the principal recommendation of the measure. It was a question upon which the whole House would, he was convinced, be unanimous. He certainly thought, even if other measures should be necessary, that the House ought to adopt the present proposition. It would be recollected that a prejudice prevailed in the minds of the people against compulsatory measures. A strong dislike had existed against any other than the usual bread: that dislike he was happy to state, was in many places removed, and the people in those places ate and relished bread not made wholly of wheat. Did gentlemen recollect that a compulsatory measure would render an act of parliament necessary? that that act could not be passed in less than four or five weeks, and that the delay of one week was the delay of a fifty-second part of the question? As soon as this association became known in the country, it would, he had no doubt, be universal; and he was decidedly of opinion, that the legislative example would be more efficacious than the legislative authority of parliament.

Mr. *Curwen* thought that the resolutions would fall short of the end proposed. He wished the people to be earnestly exhorted to use bread made of mixed materials, and to observe a strict economy in the use of flour.

Alderman *Newnham* wished something might be done to prevent the combinations of millers, which tended to raise the price of grain.

Mr. *East* strongly recommended members to be unanimous in supporting the present engagement.

Mr. *Sheridan* said, there was one point which would give him much satisfaction to hear, namely, that the proposed substitutes for the bread at present in use, would prove equally nutritive. He was afraid that was not the case. He had been informed that in many instances, in which they had attempted to make up bread of different mixtures, it had been found not only unpalatable, but unwholesome. If the fact were so, it was a most material object; because, from the very high price of all the other articles of life, many of the labouring poor were forced to live chiefly on bread. The only remedy he saw, was to adopt the bill which had been brought in, to increase the wages of labourers. Persons who were in more affluent situations would be enabled to use other articles, which would diminish the unwholesome effects of mixed bread, and bread of inferior quality; but men in that low state to which he had alluded, would not have it in their power to have recourse to any such means, unless the bill were passed for increasing their wages. With respect to the association proposed, he should object to it in its present form, not that he did not wish the object for which it was proposed to be obtained, but because he was afraid to set a bad precedent. If members were once called upon in that kind of way to subscribe to a particular association, it might be extended to others of a different nature. He had no objection to the House coming to a resolution to recommend such an association, and that every member in his individual capacity should recommend and enforce it by example, in the place where he lived; and he certainly would do it. He could not, however, for one moment consent to sign the association, as at present proposed.

Mr. *Wilberforce* said, he had no doubt but that there might be a species of bread, composed of certain mixtures, which would be equally nutritive with that at present in use, because it was proved by experience; it was well known, that in many parts of the country, the poorer sort of people used bread composed, in a great degree, if not entirely, of rye, which was not considered as unwholesome. With respect to the hon. gentleman's observation upon the propriety of raising the wages of labourers, he did not think it applied; because, if the present measure was adopted, they would have bread cheap in proportion to their means. The present occasion called for some effectual measure, and the one proposed appeared to him more likely to effect the object; it would also have the good effect of showing the people at large, that parliament lost no time in doing every thing in its power to relieve the distresses of the people.

Mr. *Hussey* said, that he should intro-

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duce some regulations in his own family with regard to the consumption of bread. He would take an account of the consumption of bread, and would endeavour to lessen it by a third. He would recommend that potatoes might be used instead of bread, but he thought that potatoes should be used as potatoes, not by mixing them with flour to make bread. He thought also that rice should be made use of instead of pastry. If compulsion was at all to be used, he would submit the propriety of using stale bread instead of fresh; for which purpose baking might be allowed only three days in the week, and then every person who eat bread, would be compelled to make use of some that was stale, and this was the highest species of compulsion he could bring himself to consent to with regard to bread.

Mr. *Martin* agreed to the proposition before the House, and declared his readiness to come to any measure that might relieve the poor by any law that could be devised, because he thought it was hard, indeed, that a labouring man could not live by the fruits of his labour alone, without being compelled to apply to the charity of the rich.

Lord *Sheffield* said, he could hardly conceive that those gentlemen who objected to the proposition before the House, were sensible of the necessity of adopting every measure that could promote a diminution of the consumption of wheaten flour. He assured the House that the attention of the committee had been unremitted, and that there was more difficulty in obviating by law the distress which might arise from a deficiency of corn, than probably occurred to those who had not attended the committee. He thought it a duty to state the probable deficiency of crop, and the inadequate quantity of wheaten flour we are likely to acquire from abroad. The people should not be encouraged to believe that there was a stock of wheat in the country previous to the late harvest; that the last crop of wheat was a good one, and that a large quantity of wheat might be obtained by importation. Such notions had been suggested, at least without doors; they were likely to promote unnecessary consumption, and to check the disposition to use substitutes. We have generally three, four, or five months stock in hand of old wheat at the time of harvest; but it is known, that in the autumn of 1794, it was nearly exhausted, and that we were obliged to begin on the crop of that year soon after it was harvested. This encroachment on the new crop helped to occasion the stock of wheat to be still more exhausted at the end of the last very backward harvest of 1795; so much, that, notwithstanding the opinion of some, that considerable quantities of wheat were hoarded, he was disposed to believe, if the whole quantity could have been equalized throughout Great Britain, we had scarcely at that time a fortnight's supply of British wheat. The crop in 1794 was partially very good, and in some parts very thin; the last crop has been unequal, and on the whole, probably inferior to that of the preceding year, and also inferior to an average crop. An average, or common crop, is not equal to the usual annual consumption of the country: an abundant harvest occasionally, more than supplies us; but our imports prove a general deficiency, for on an average of the last twelve years, we have imported about 225,000 quarters of wheat and flour. It is almost impossible to acquire a precise knowledge of our present stock of wheat. An unequal crop last harvest gave rise to various opinions; and the variation, in respect to the deficiency, is from a third to a seventh; but if we allow a deficiency of six weeks, or an eighth and two-thirds in the last crop, of our supposed annual consumption, and a deficiency of six weeks more, on account of our beginning upon the last crop six weeks at least sooner than usual, three months deficiency in the whole could not be thought exaggerated, amounting to one million and a half of quarters. If six weeks deficiency should be thought too little, and six weeks premature consumption too much, still on the whole, there is good ground to state there will be a deficiency of three months. The opinions that the scarcity is in a degree artificial, and that there is a prospect of an adequate supply, may be essentially mischievous, and divert us from that economy and management which can alone prevent extreme distress. The legislature, to show its readiness to adopt every measure that might possibly obtain any quantity of that grain which is the favourite food of the people, had offered great bounties, with a view of encouraging the importation of it; but he thought we could not be too explicit in declaring the probable deficiency in the stock of wheat, and the impossibility of obtaining from abroad an adequate supply. Instead of

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three months supply of wheat, it is not probable we shall be able to obtain from foreign countries, with all our bounties, sufficient for three weeks of our usual consumption. We have never been able, during a century, to import into this country 500,000 quarters, except twice, and the greatest quantity in one year was 560,000 quarters, and both happened at a period of general peace. The administration of France had engaged deeply in the purchase of wheat. His majesty's ministers, apprehensive that the British merchants would not be able to meet the national purse of France at the foreign market, thought it necessary to cause some purchases of corn to be made; but notwithstanding all their efforts, the total importation of the twelve months is not likely to exceed 300,000 quarters; not more than fifteen or sixteen days consumption of this country. It is highly incumbent to make these statements fairly to the public; although they may alarm at first, that alarm will cease when we consider that we have a most abundant crop of oats, barley, and potatoes, and thereby ample means of making up the deficiency of the wheat crop. It cannot be considered as an insufferable calamity, if we should be obliged to make up one-fourth of our usual consumption on an exigency, by such substitutes, or by such wholesome or palatable mixtures. Barley and oaten bread were, not many years ago, the food of nearly half of this island; and in very good times, they are very wholesome, and have been found sufficiently nutritive for the most laborious part of the community. If it should be thought that we have not enough of those articles to make up a fourth of our usual consumption, a bounty might be offered to encourage the importation. He had no idea of any limitation of expense, to secure sufficient food for the people. That a bounty would be of service, is, however, much to be doubted. The good sense of the country, when satisfied of its real state in respect to the stock of wheat, and its resources, will turn to the only management which can obviate the distress which must otherwise take place before the next harvest. The greatest difficulty in respect to substitutes or mixtures, occurs in large cities or towns; but even there, the high price of corn will produce good management and great saving. There are few parts in the country where substitutes for wheaten flour were not in a considerable degree adopted. In some districts, the people had entirely returned to barley and oaten bread; it is, therefore, reasonable to suppose, there will be a saving of one-third, except in great towns and their neighbourhood. In those towns where an equal saving cannot be expected, the quantity of wheat likely to be imported, though not very considerable, when added to the rye, Indian corn, and rice, with what can be spared by saving one-third in the country, may in the whole make up the deficiency of one-fourth of the consumption. There was much more reason to apprehend that the people might be flattered into the idea that management was not necessary, than that a true state of our situation should continue to keep up the present unconscionable price of corn, the scarcity of which was not the only excuse of that price; but it can hardly be doubted, that the laws which are now passing to prohibit any articles of food from being converted to other uses, and the almost general use of potatoes, with many other expedients, will so much lessen the demand for wheat, that the price must necessarily fall. At all events, every exertion should be used, that can possibly provide cheaper food for the people; and it will be fortunate if the present scarcity should turn the attention of the legislature to some great measure which may prevent in future a precarious dependance on foreign countries for our subsistence, and such a famine as must of course have ensued, if the crop of other corn and potatoes had, through a bad season or bad harvest, been as defective as the crop of wheat.

The resolution was agreed to: as was a resolution stating, "That the persons subscribing this Engagement do also engage to recommend the same, in the most earnest manner, to be adopted in their respective neighbourhoods." It was then ordered, "That a committee be appointed to draw up an Agreement pursuant to the said Resolutions; which agreement shall be left in the office of the clerk of the Journals of this House, in order that the same may be signed by such of the members of this House as choose to sign the same, or to give some other member, or the clerk of the Journals, authority to sign the same in his name." and a committee was immediately appointed. Shortly after, Mr. Ryder reported that the Committee had come to the following—

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AGREEMENT.

"We, the undersigned, impressed with a sense of the evils which may be experienced by his majesty's subjects, in consequence of the deficient supply of wheat, unless timely and effectual measures are taken to reduce the consumption thereof, within such limits as may prevent the pressure of actual scarcity previous to the next harvest, and may secure, as far as possible, the necessary subsistence of the people of this kingdom, until it shall please Divine Providence to restore the blessing of general plenty; do hereby, jointly and severally, pledge ourselves, in the most solemn manner, to execute and maintain, to the utmost of our power, the following Resolutions; and also most earnestly to recommend the same to be adopted in our respective neighbourhoods:

"We will reduce the consumption of wheat in our families, by at least one-third of the usual quantity consumed in ordinary times. In order to effect this reduction, either we will limit to that extent the quantity of fine wheaten bread used by each individual in our families; or we will consume therein only mixed bread, of which not more than two-thirds shall be made of wheat, or we will consume only a proportional quantity of mixed bread, of which more than two-thirds is made of wheat; or a proportional quantity of bread made of wheat alone, from which no more than five pounds weight of bran per bushel is excluded: and we will also (if it shall be necessary for the purpose of this engagement) prohibit in our families the use of wheaten flour in pastry, and diminish, as much as possible, the use thereof in other articles than bread.

"By some one or more of these measures, or by any other which may be found equally effectual, and more expedient and practicable, in our respective situations, we will, to the utmost of our power, ensure the reduction above-mentioned, of at least one-third of the quantity of wheat usually consumed in our families in ordinary times.

"This engagement shall remain in force until fourteen days after the commencement of the next session of parliament, unless the average price of wheat in the whole kingdom shall be reduced, before that time, to 8*s*. per Winchester bushel: and we do earnestly recommend to our fellow subjects to adopt and strictly to adhere to the same."

The Resolution and Agreement was communicated to the Lords, who, after a short conversation, agreed thereto.

Dec. 16. On the motion, that the Bill to permit Bakers to make certain sorts of Bread be ingrossed,

Mr. *Francis* said, that the motion gave him an opportunity, without irregularity, of submitting to the House his opinion on the general subject of the measures recommended by the committee, and of comparing them with the urgency of the case, as stated by the reports. With respect to the agreement, which the committee had brought forward for the adoption and signature of the members of both Houses of Parliament, he very much doubted whether he ought to put his name to it in that form, as a member of the House of Commons. The resolution of a majority of that House to sign an agreement, the tendency of which was laudable, and the object likely to be popular, did not leave individuals at perfect liberty to refuse their signature, though in their judgment they might see sufficient reasons for doing so. He, who cannot fairly and openly act up to his opinion, without being personally marked and incurring the risk of an invidious comparison and popular odium, is not free to deliberate or safe in his decision. I know not to what purposes such a precedent may possibly be applied hereafter; but I know that it is not a parliamentary proceeding, and that dangerous precedents are always established under favourable circumstances. But though I have serious doubts about the propriety of signing the agreement here, I have no doubt at all of contributing my assistance to promote the general object of it to the utmost of my power, in the little circle in which my influence and example can be supposed to operate. No man can be more convinced of the urgency of the case, nor more seriously apprehensive of the distressing consequences which may follow, if measures, immediate and effectual, are not taken to restrain the consumption of wheat within such limits, as may produce a general and a material saving in that article. Unless it be general, it cannot be material. My opinion on this subject, is founded on some experience and observation, which, in such a case, perhaps is better than speculation. I do not pretend to carry it beyond what I have had an opportuuity of observing in Lon-

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don and its neighbourhood. That space, however, supposing it to extend no farther than to a circle of a dozen miles round the centre of the metropolis, includes a very considerable part of the whole population of the kingdom; and by that population, the consumption of wheat far exceeds the quantity consumed by equal numbers in any other part of the country. Of the success and effect of the proposed agreement in the distant counties, and how far the example set by the nobility and gentry, in confining themselves to bread of an inferior quality, will operate there, and be followed by the other classes of the people, I do not take upon me to judge. Such examples are probably more respected in the country than they are here. In London and its neighbourhood, I am very much afraid it will have no considerable effect, or not a beneficial one.—In the course of last summer, an agreement of this kind was made, and a similar example given by some of the privy council, and other persons of great name and authority, and followed, or attempted to be followed, by many others, and by myself among the rest, in my own family, and in the parish where I live, a few miles from town. What was the consequence? In the first place, it was with great difficulty, and after a considerable delay, that we could obtain from the bakers, a supply of the sort of bread recommended by the agreement. They said, it was not their fault, for that the millers, to whom they are a good deal in subjection, would not furnish them with meal of the quality required. At last we got it, heavy and ill made, perhaps for want of use, and still more, I suspect for want of inclination. Nothing is well done, if it be done against the grain. This bread, however, I persisted to eat for several weeks: with this hope at least that, as far as the uses of my own family went, there would be a saving in the consumption of wheat. The consequence is worth your attention. Persons of great rank and fortune, whose situation does not permit or oblige them to look into the details of domestic economy, cannot be so well informed on this subject as I am. Upon inquiry I found that, although there was a trifling saving in the price of the quartern loaf (not more than a halfpenny) that saving bore no proportion to the excess in the quantity consumed. I found that, in this period of economy, there had been more bread consumed or destroyed in my house, than at any other equal period. Why? because the bread was ill made and unpleasant, and for that reason wasted. None but the best bread is fairly eaten in families, where the servants and other inmates are numerous. What they do not like, they throw away. Now, observe what passed out of doors. We made a contribution for the relief of the poor in bread and meat. The numbers relieved were considerable, and in general they were very well satisfied. But did they follow our example? Did they eat the same household bread that we did? No such thing. In spite of all our remonstrances, the poor in my neighbourhood, (and I have no doubt that it was pretty much the same in all the populous villages round us), would eat nothing but the finest and whitest wheaten bread. If one baker refused to supply them with it, they went to another. In the end, the bakers, though they gained by it, assured us, that by our contributions we were defeating our own purpose; for that in fact they had never, in any equal period, sold so much white bread to the poor, as while we were eating a coarser sort ourselves, and doing every thing we could to lessen the consumption of wheat. Sir, they who have never tried the experiment, will not not readily believe how difficult and unavailing it is, for any man with the best intentions for the public service, but, without power, to act with unwilling instruments, to contend with unwilling millers, unwilling bakers, unwilling servants, and above all, with an unwilling poor. Do what you may to serve them, the latter very seldom give you credit for your true motives. They always suspect, or pretend to suspect, that you do not act as you say, that in fact you eat better bread than you recommend to them; nor will they believe the contrary, until they know that you can get no other. For all these difficulties, I am convinced there is but one effectual remedy. To compass your object, there is but one course; and if the object be as important as it is stated, and as I believe it to be, that course must be adopted and pursued as speedily as possible, and at all events. It is to pass a law, by which millers shall be compelled to furnish the bakers with meal of a certain prescribed quality and no other; and the bakers not to make any bread in which the proportion of wheaten flour shall exceed two-thirds of the whole weight. For my own part, I believe, that

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if the poor knew with certainty that the restraint bore equally upon every body, that all men were on a level, and that the rich were not fed with better bread than themselves, there would be no discontent. They would all be satisfied, and submit to the necessity of the case. But if it were otherwise, I say you are bound by prudence and duty to meet the difficulty before it is insurmountable; sooner or later you must do it. In my mind, you ought to have taken this resolution long ago. You must make your option between two inconveniences, or rather between some inconvenience, and the probability of a great calamity. Consider whether it be worse that the people should murmur and repine to-day, or run the risk of being starved to-morrow. If the object be essential, it must be accomplished. I do not say that the agreement which the committee propose to us to sign will have no effect at all, or that it ought not to be promoted. This and every other expedient that can be devised to lessen the consumption of wheat, ought, undoubtedly to be encouraged. But when a security against famine is the object, it is not wise, it is not safe, to trust to hopes and probabilities, if you have certainty in your power. That certainty is to be had by such a law as I have alluded to, and in my opinion, by no other method whatever.

Mr. *Ryder* said, he differed from the hon. gentleman, as to the adoption of a legal provision; at least, till gentlemen saw the issue of a voluntary engagement. The question of remedying the evils of scarcity divided itself into two parts. First, how far we might be supplied from foreign markets; and, secondly how far by internal arrangements we might prevent the evil. It then appeared to him doubtful whether we might not, in consequence of the bounties offered for importation, and by the voluntary associations of people of distinction, preclude the necessity of a positive law, which, in such cases, should only be resorted to when all other exertions failed of success. Mixed bread was before prohibited, and now the bakers were permitted to use and sell it. The usage of this sort of bread was a good deal unknown to the people; and time should be allowed to see whether it would become general. If not, it might, as the last resource, be enforced by law. The only question was, whether a voluntary agreement, or compulsion, was preferable, with a view of remedying the deficiency of wheat. He allowed that, on this question there was a considerable difference of opinion. He confessed that the mere signatures of members could not be expected to have the desired effect, unless the subscribers, by their individual exertions and influence, endeavoured to recommend and forward the agreement in the several parishes in town and country. Without this, he could entertain no sanguine hopes; but feeling as he did, the importance of the object, he could not but expect that every exertion would be made. Another objection was, that we should find a reluctant and discontented poor; but in various places it has appeared that many of the poor have been inclined, from the scarcity of wheat, to have recourse to other mixtures of grain; and he understood that in one of the parishes of Westminster 1,400 loaves, of an inferior quality, were distributed weekly among the poor. In every measure of this kind there were two objects; first, that of increasing the supply and diminishing the consumption; and, secondly, to do that in a way the most satisfactory to the bulk of the people. If, in the course of the ensuing year, the necessity should appear greater than at present, and this agreement should not be found to answer the desired object, it would be for the wisdom of the House then to consider what farther steps might be necessary to be taken. In the mean time, he thought that the probable advantages of the present measure would be sufficient to counterbalance any evil arising from the delay of adopting any other plan.

The motion was agreed to.

Debate in the Commons on Mr. Whitbread's Bill to regulate the Wages of Labourers in Husbandry.] Dec. 9. Mr. *Whitbread* presented to the House a bill "to explain and amend so much of the act of the 5th of Elizabeth, intituled, 'An act containing divers orders for Artificers, Labourers, Servants of Husbandry, and Apprentices,' as empowers justices of the peace, at, or within six weeks after, every general quarter sessions held at Easter, to regulate the wages of labourers in husbandry." The bill was read a first time. On the motion for the second reading, Mr. Whitbread said, that he had brought forward this bill under the idea that it was possible, by adopting its regulations, to give great re-

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lief to a very numerous and useful class of the community. The act of Elizabeth empowered justices of the peace to fix the maximum of labour. This bill went only to empower them to fix the minimum. However, the House might decide with respect to his bill, he trusted at least that the act of Elizabeth would be repealed.

Mr. *Fox* said, that the bill was undoubtedly a bill of great delicacy and importance, and with respect to which, he admitted that, to a considerable extent, there might exist a rational difference of opinion. The act of Elizabeth, as his hon. friend had truly stated, empowered the justices to fix the highest price of labour, but it gave them no power to fix the lowest. It secured the master from a risk which could but seldom occur, of being charged exorbitantly for the quantity of service; but it did not authorize the magistrate to protect the poor from the injustice of a griping and avaricious employer, who might be disposed to take advantage of their necessities, and undervalue the rate of their service. If the price of labour was adequate to the support of the poor in ordinary times, though not equal to the accidental high price of provisions at the present moment, it might be contended, that there was less necessity for any new legislative regulation. But, taking the average price of labour for some years past, including that period during which the scarcity had operated, no man could deny that the price of labour was greatly disproportionate to the rate of provisions. That the general price of labour should be adequate to the support of the general mass of the community was indisputably a right principle. They all knew that a very extensive tax was exacted from the country, under the denomination of poor-rates, and that such a tax must be continued. It was understood, that to this fund none could apply, but those few to whom, from particular circumstances, their labour might not be sufficiently productive to secure an adequate support. But he feared that the reverse was the case; that the exception was with respect to the few who derived sufficient means of subsistence from their labour, and that the great mass of the labouring part of the community were under the necessity of applying to this fund for relief. If the House, as was proposed, were to form an association, in order to pledge themselves to use only a particular sort of bread, with a view to diminish the pressure of the scarcity, ought they not at the same time to form an association, in order to raise the price of labour to a rate proportionate to the price of the articles of subsistence? With this view, he called upon the House to consider the principle of the bill and its provisions. He would call upon them also to attend to the subject, in a constitutional view, though he could not hope, from the complexion of recent transactions, that this was a view of the subject, which would have great weight. It was not fitting in a free country that the great body of the people should depend on the charity of the rich. In the election of members of Parliament, all those were strictly excluded from exercising any franchise, with a very few exceptions, who had at any time received relief from the parish. Was it becoming in a country like this, that the general mass of the labouring part of the community, excepting those who derived relief from the bounty and generosity of individuals, should be excluded from the exercise of their most important privilege as freemen? He admitted many of the rich to be humane and charitable; but he could not allow that those who were the most useful and industrious members of society should depend upon a fund so precarious and degrading, as the occasional supplies derived from their bounty. If the price of provisions had for two years been such as to put every poor man under the necessity of applying for the aid of parochial charity, and if that circumstance constituted a positive disqualification with respect to the exercise of a constitutional right, what, he asked, was the state of a country which first compelled every poor man to dependence, and then reduced him to servitude? If they were to go into associations, pledging themselves to use a particular sort of bread, with a view to alleviate the scarcity, it was surely of more importance that they should associate in order to redress the more material grievance, and strike at the fundamental source of the evil. With this view he should be glad to see an association in order to put the price of labour upon a footing adequate to the rate of provisions. If the regulations of the present bill should not be adopted, he should be happy that any other legislative enactments should be brought forward

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in order to afford relief and protection to the poor.

The bill was ordered to be read a second time on the 3rd of February, and to be printed.

February 12, 1796. The order of the day being read for the second reading of the bill,

Mr. *Whitbread* said, that ample time had been given for members to consider maturely its object and regulations, and to collect from their constituents such information as they might require. For his own part, every inquiry he had instituted, convinced him of the necessity of remedying the grievances of the industrious poor by some legislative provisions. Whether those which he had suggested were the most proper to be adopted, was a question for the decision of the House? Having bestowed considerable pains in drawing up the bill, he might have left it for their consideration upon its merits alone, did not the novelty of the measure demand a few words in explanation. He felt as much as any man how greatly it was to be desired that there should be no legislative interference in matters of this nature, and that the price of labour, like every other commodity, should be left to find its own level. From reasonings upon the subject, the result was, that it always would find its level. But the deductions of reason were confuted by experience; for he appealed to the sense of the House, whether the situation of the labouring poor in this country was such as any feeling or liberal mind would wish? He did not mean that the wages of the labourer were inadequate for his subsistence and comfort in times of temporary scarcity, and unusual hardship; but even at the period preceding such distress, the evil had prevailed. In most parts of the country, the labourer had long been struggling with increasing misery, till the pressure had become almost too grievous to be endured, while the patience of the sufferers under their accumulated distresses had been conspicuous and exemplary. And did not such distress, supported with so much fortitude, merit relief from the legislature? Were it necessary to refer to any authority, he could quote the writings of Dr. Price, in which he showed that in the course of two centuries, the price of labour had not increased more than three or at most four-fold; whereas the price of meat had increased in the proportion of six or seven; and that of clothing, no less than fourteen or fifteen fold in the same period. The poor-rates, too, had increased since the beginning of this century from 600,000*l.*, at which they were then estimated, to upwards of three millions. Nor was this prodigious increase in the poor-rates to be ascribed to the advance of population; for it was doubtful whether any such increase had taken place. At the present period the contrary seemed to be the case. By the pressure of the times, marriage was discouraged; and among the laborious classes of the community, the birth of a child, instead of being hailed as a blessing, was considered as a curse. For this serious evil a remedy was required, and to this was the bill directed. It was his wish to rescue the labouring poor from a state of slavish dependence; to enable the husbandman, who dedicated his days to incessant toil, to feed, to clothe, and to lodge his family with some degree of comfort; to exempt the youth of this country from the necessity of entering into the army or the navy, and from flocking to great towns for subsistence; and to put it in the power of him who ploughed and sowed and threshed the corn, to taste of the fruits of his industry, by giving him a right to a part of the produce of his labour. Such were the grounds upon which the bill in question was built. To those who dreaded every thing that wore the aspect of innovation, and reprobated every measure that was new, he would say, that here was no departure from established precedents, no introduction of unknown principles. The statute of the 5th of Elizabeth, was enacted expressly for the purpose of regulating the price of labour. This statute was acted upon for forty years, when it was afterwards amended by a subsequent one in the reign of James 1st, bearing a similar title. He would not be understood as commending the principle of these statutes: on the contrary, he was of opinion, that they operated as a clog to industry, by permitting justices to fix the maximum of labour. But so late as the 8th of his majesty, justices were empowered to regulate the wages of taylors, and even now the lord mayor and council of London control those of the silk-weavers. To those who were afraid of entrusting justices with power, he should only say,

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that he left the power where he found it. At present they were possessed of the power to oppress the labourer; and this bill only invested them with the additional power to redress his grievances. By fixing the minimum of the wages of labour, a comfortable subsistence was secured to industry, and at the same time greater exertions were prompted by the hope of greater reward. To some, perhaps, the time of bringing this subject forward might appear exceptionable. There were those who would say, if the labourers were not distressed, why agitate a question for which no necessity calls, and awaken desires which are not felt? Others would maintain, that it was unseasonable to direct the public attention to such a subject, while the pressure of distress might excite discontents, or raise improper expectations. To these he could only answer, that he was not one who could see wise and salutary measures sacrificed to the pretended inconvenience of the times: and that he was of opinion that what was proper to be done could scarcely be done out of season. He then moved, "That the bill be now read a second time."

Mr. *Pitt* said, that in the interval which had taken place since the first reading of the bill, he had paid considerable attention to the subject, and endeavoured to collect information from the best sources to which he had access. The evil was certainly of such a nature as to render it of importance to find out a proper remedy, but the nature of the remedy involved discussions of such a delicate and intricate nature, that none should be adopted without being maturely weighed. The present situation of the labouring poor in this country, was certainly not such as could be wished, upon any principle, either of humanity, or policy. That class had of late been exposed to hardships which they all concurred in lamenting. and were equally actuated by a desire to remove. He would not argue how far the comparison of the state of the labourer, relieved as it had been by a display of beneficence never surpassed at any period, with the state of this class of the community in former times, was just, though he was convinced that the representations were exaggerated. At any rate, the comparisons were not accurate, because they did not embrace a comprehensive view of the relative situations. He gave the hon. gentleman ample credit for his good intentions in bringing the present bill into parliament, though he was afraid that its provisions were such as it would be impolitic, upon the whole, to adopt; and such as, if adopted, would be found to be inadequate to the purposes proposed. The authority of Dr. Price, had been adduced to show the great advance that had taken place on every article of subsistence, compared with the slow increase of the wages of labour. But the statement of Dr. Price was erroneous, as he compared the earnings of the labourer at the period when the comparison is instituted, with the price of provisions, and the earnings of the labourer at the present day, with the price of the same articles, without adverting to the change of circumstances, and to the difference of provisions. Corn, which was then almost the only food of the labourer was now supplied by cheaper substitutions and it was unfair to conclude that the wages of labour were so far from keeping pace with the price of provisions, because they could no longer purchase the same quantity of an article for which the labourer had no longer the same demand. The simple question now to be considered was, whether the remedy for the evil, which was admitted in a certain extent to exist, was to be obtained by giving to the justices the power to regulate the price of labour, and by endeavouring to establish by authority, what would be much better accomplished by the unassisted operation of principles?—It was unnecessary to argue the general expediency of any legislative interference, as the principles had been perfectly recognized by the hon. gentleman himself. The moss celebrated writers upon political economy, and the experience of those states where arts had flourished the most, bore ample testimony of their truth. They had only to inquire, therefore, whether the present case was strong enough for the exception, and whether the means proposed were suited to the object intended? The hon. gentleman imagined that he had on his side of the question the support of experience in this country, and appealed to certain laws upon the statute-book, in confirmation of his proposition. He did not find himself called upon to defend the principle of these statutes, but they were certainly introduced for purposes widely different from the object of the present bill. They were enacted to guard the industry of the country from being checked by a general combination among labourers; and the

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bill now under consideration, was introduced solely for the purpose of remedying the inconveniences which labourers sustain from the disproportion existing between the price of labour, and the price of living. He had the satisfaction to hear the hon. gentleman acknowledge, that if the price of labour could be made to find its own level, it would be much more desirable than to assess it by arbitrary statute, which in the execution was liable to abuse on the one hand, and inefficacy on the other. If the remedy succeeded according to the most sanguine expectations, it only established what would have been better effected by principle; and if it failed, on the one hand it might produce the severest oppression, and on the other encourage the most profligate idleness and extravagance. Was it not better for the House, then, to consider the operation of general principles, and rely upon the effects of their unconfined exercise? Was it not wiser to reflect what remedy might be adopted, at once more general in its principles, and more comprehensive in its object, less exceptionable in its example, and less dangerous in its application? They should look to the instances where interference had shackled industry, and where the best intentions have often produced the most pernicious effects. It was indeed the most absurd bigotry, in asserting the general principle, to exclude the exception; but trade, industry, and barter would always find their own level, and be impeded by regulations which violated their natural operation, and deranged their proper effect. This being granted, he appealed to the judgment of the House, whether it was better to refer the matter entirely to the discretion of a magistrate, or to endeavour to find out the causes of the evil, and by removing the causes, to apply a remedy more justifiable in its principle, more easy in the execution, more effectual in its operations, in fine, more consonant to every maxim of sound and rational policy. The evil, in his opinion, originated in a great measure, in the abuses which had crept into the poor-laws of this country, and the complicated mode of executing them. The poor-laws of this country, however wise in their original institution, had contributed to fetter the circulation of labour, and to substitute a system of abuses, in room of the evils which they humanely meant to redress, and by engrafting upon a defective plan, defective remedies produced nothing but confusion and disorder. The laws of settlements prevented the workman from going to that market where he could dispose of his industry to the greatest advantage, and the capitalist, from employing the person who was qualified to procure him the best returns for his advances. These laws had at once increased the burthens of the poor, and taken from the collective resources of the state to supply wants which their operation had occasioned, and to alleviate a poverty which they tended to perpetuate. Such were the institutions which misguided benevolence had introduced, and, with such warnings to deter, it would be wise to distrust a similar mode of conduct, and to endeavour to discover remedies of a different nature. The country had not yet experienced the full benefit of the laws that had already been passed, to correct the errors which he had explained. From the attention he had bestowed upon the subject, and from the inquiries he had been able to make of others, he was disposed to think we had not gone yet far enough, and to entertain an opinion that many advantages might be derived, and much of the evil now complained of removed, by an extension of those reformations in the poor-laws which had been begun. The encouragement of friendly societies would contribute to alleviate that immense charge with which the public was loaded in the support of the poor, and provide by savings of industry for the comfort of distress. Now the parish officer could not remove the workman, merely because he apprehended he might be burthensome, but it was necessary that he should be actually chargeable. But from the pressure of a temporary distress, might the industrious mechanic be transported from the place where his exertions could be useful to himself and his family, to a quarter where he would become a burthen without the capacity of being even able to provide for himself. To remedy such a great striking grievance, the laws of settlement ought to undergo a radical amendment. He conceived, that to promote the free circulation of labour, to remove the obstacles by which industry is prohibited from availing itself of its resources, would go far to remedy the evils, and diminish the necessity of applying for relief to the poor-rates. In the course of a few years, this freedom, from the vexatious restraint which the laws im-

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posed, would supersede the object of their institutions. The advantages would be widely diffused, the wealth of the nation would be increased, the poor man rendered not only more comfortable but more virtuous, and the weight of poor-rates, with which the landed interest is loaded, greatly diminished. He should wish, therefore, that an opportunity were given of restoring the original purity of the poor laws, and of removing those corruptions by which they had been obscured. He was convinced, that the evils which they had occasioned did not arise out of their original constitution, but coincided with the opinion of Blackstone, that, in proportion as the wise regulations that were established in the long and glorious reign of queen Elizabeth, have been superseded by subsequent enactments, the utility of the institution has been impaired, and the benevolence of the plan rendered fruitless. While he thus had expressed those sentiments which the discussion naturally prompted, it might not perhaps, be improper, on such an occasion, to lay before the House the ideas floating in his mind, though not digested with sufficient accuracy, nor arranged with a proper degree of clearness. Neither what the hon. gentleman proposed, nor what he himself had suggested, were remedies adequate to the evil it was intended to remove. Supposing, however, the two modes of remedying the evil were on a par in effect, the preference in principle was clearly due to that which was least arbitrary in its nature; but it was not difficult to perceive that the remedy proposed by the hon. gentleman would either be completely ineffectual, or such as far to overreach its mark. As there was a difference in the numbers which compose the families of the labouring poor, it must necessarily require more to support a small family. Now by the regulations proposed, either the man with a small family would have too much wages, or the man with a large family, who had done most service to his country, would have too little. So that were the minimum fixed upon the standard of a large family, it might operate as an encouragement to idleness on one part of the community; and if it were fixed on the standard of a small family, those would not enjoy the benefit of it for whose relief it was intended. What measure then could be found to supply the defect? Let us, said he, make relief in cases where there are a number of children, a matter of right and an honour, instead of a ground for opprobrium and contempt. This will make a large family a blessing, and not a curse; and this will draw a proper line of distinction between those who are able to provide for themselves by their labour, and those who, after having enriched their country with a number of children, have a claim upon its assistance for their support. All this, however, he would confess, was not enough, if they did not engraft upon it resolutions to discourage relief where it was not wanted. If such means could be practised as that of supplying the necessities of those who required assistance by giving it in labour or affording employment, which is the principle of the act of Elizabeth, the most important advantages would be gained. They would thus benefit those to whom they afforded relief, not only by the assistance bestowed, but by giving habits of industry and frugality, and in furnishing a temporary bounty, enable them to make permanent provision for themselves. By giving effect to the operation of friendly societies, individuals would be rescued from becoming a burthen upon the public, and, if necessary, be enabled to subsist upon a fund which their own industry contributed to raise. These great points of granting relief according to the number of children, preventing removals at the caprice of the parish officer, and making them subscribe to friendly societies, would tend, in a very great degree, to remove every complaint to which the present partial remedy could be applied. Experience had already shown how much could be done by the industry of children and the advantages of early employing them in such branches of manufactures as they are capable to execute. The extension of schools of industry was also an object of material importance. If any one would take the trouble to compute the amount of all the earnings of the children who are already educated in this manner, he would be surprised, when he came to consider the weight which their support by their own labours, took off the country, and the addition which, by the fruits of their toil, and the habits to which they were formed, was made to its internal opulence. The suggestion of these schools was originally drawn from lord Hale and Mr. Locke, and upon such authority he had no difficulty in recommending the plan to the encouragement

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of the legislature. Much might be effected by a plan of this nature susceptible of constant improvement. Such a plan would convert the relief granted to the poor into an encouragement to industry, instead of being, as it is by the present poor-laws, a premium to idleness, and a school for sloth. There were also, a number of subordinate circumstances to which it was necessary to attend. The law which prohibits giving relief where any visible property remains should be abolished. That degrading condition should be withdrawn. No temporary occasion should force a British subject to part with the last shilling of his little capital, and compel him to descend to a state of wretchedness from which he could never recover, merely that he might be entitled to a casual supply.—Another mode also of materially assisting the industrious poor was, the advancing of small capitals, which might be repaid in two or three years, while the person who repaid it would probably have made an addition to his income. This might put him who received them in the way of acquiring what might place him in a situation to make permanent provision for himself.—These were the general ideas which had occurred to him upon the subject; if they should be approved of by any gentleman in the House, they might perhaps appear at a future time in a more accurate shape than he could pretend to give them. He could not, however, let this opportunity slip without throwing them out. He was aware that they would require to be very maturely considered. He was aware also of a fundamental difficulty, that of insuring the diligent execution of any law that should be enacted. This could only be done by presenting to those who should be intrusted with the execution motives to emulation, and by a frequent inspection of their conduct as to diligence and fidelity. Were he to suggest an outline, it would be this. To provide some new mode of inspection by parishes, or by hundreds—to report to the magistrates at the petty sessions, with a liberty of appeal from them to the general quarter sessions, where the justice should be empowered to take cognizance of the conduct of the different commissioners, and to remedy whatever defects should be found to exist. That an annual report should be made to parliament, and that parliament should impose upon itself the duty of tracing the effect of its system from year to year, till it should be fully matured. That there should be a standing order of the House for this purpose, and in a word, that there should be an annual budget opened, containing the details of the whole system of poor-laws, by which the legislature would show, that they had a constant and a watchful eye upon the interests of the poorest and most neglected part of the community.—He was not vain enough to imagine that these ideas were the result of his own investigations, but he was happy to say, that they arose from a careful examination of the subject, and an extensive survey of the opinions of others. He would only add, that it was a subject of the utmost importance, and that he would do every thing in his power to bring forward or promote such measures as would conduce to the interest of the country. He gave the hon. gentleman every possible credit for his humane and laudable motives, yet seeing the subject, in the light in which he did, he was compelled to give his negative to the motion.

Mr. *Lechmere* said, that the bill was not only founded in humanity, but policy also. The late alarming scarcity ought to induce every man who wished to encourage the industrious poor, to promote every plan of relief for them at such a crisis. No agricultural labourer could at present support himself and his family with comfort; for a barley loaf was at the enormous price of 12½d, while the whole of the labourer's daily wages amounted to no more than one shilling. "Haud ignara mali, miseris succurrere disco," was a noble sentiment; but he would rather have the labourer enjoy the honest fruits of his industry, than be obliged to receive his due as an eleemosynary gift. It appeared to him that the minimum of agricultural labour should be fixed.

Mr. *Buxton* said, that the bill did not appear likely to be of much service, for if the price of labour were to be fixed by the justices of peace, he feared many industrious people would be thrown out of employ, and become a burthen to their respective parishes. The people he alluded to were those who by sickness or old age were rendered incapable of doing so much as a common labourer, and who would consequently be rejected for persons of more strength and activity. He had consulted with various well-informed farmers and gentlemen in Norfolk who una-

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nimously concurred in opinions, that the bill would be injurious.

Mr. *Vansittart* commended the hon. gentleman who introduced the bill, for his humane intentions, but he had no hesitation in voting against it, because he thought any arbitrary regulations of the justices of the peace, in the price of labour, would be a greater evil than that already complained of. The bill appeared to him unnecessary, as the law since the reign of James 1st, enabled the magistrate to fix the price of labour.

Mr. *Burdon* did not think that the industrious poor were in that wretched situation stated by some gentlemen. The industrious labourer, in many instances, was able to support his family, and lay up something for his old age. From the average price of labour for some years, the House must perceive, that the wages of the labourer were considerably increased. The friendly societies, if they continued to extend, would be productive of infinite good. As to the bill, he was convinced of its inadequacy to correct the abuses of which it complained. He recommended rather to repeal the act of Elizabeth than set it up as a precedent to act upon.

Mr. *Fox* said, that no man was more against the idea of compulsion as to the price of labour than he was. The question now was, not on the general principle, but on that particular state of the law, which rendered some measure necessary to be adopted for the relief of the labouring poor, while the law, as it stood, was saddled with so many restrictions. He approved of the bill proposed by his hon. friend, as calculated to correct that which was bad in its present operation, and to secure at least to the labourer the means of partial relief. But if the House objected to the measure as improper, if they were of opinion that it was not the most judicious or desirable that might be applied, he hoped they would go to the root of the evil, and provide some remedy adequate to the extent of the grievance. If, therefore, they should give a negative to the second reading of the bill, he should consider that by so doing they pledged themselves to take the subject into their early and most serious consideration. If what his hon. friend had brought forward should induce the House to go into a full examination of the subject, and to provide a remedy commensurate to the evil, he would not only have accomplished his own benevolent intentions, but would have done a much greater service to the country, than even if the bill which he had now brought forward were adopted.

Mr. *Whitbread* said:—I cannot but congratulate the House on the able and eloquent speech of the chancellor of the exchequer. At the same time I must remark, that if the poor laws were actually such, as the right hon. gentleman has stated they ought to be, it would not have been necessary for me to have brought forward any proposition: but I am afraid that facts and experience will be found undeniably to confirm my assertion, that the poor in this country are in a state scarcely consistent with the character of a civilized country. As to what the right hon. gentleman has stated, about the price of labour finding its own level, he does not recollect, that till that level be found, the industrious poor labour under the pressure of immediate suffering. If the expedients he has proposed should succeed, they are matter of future regulation, and not calculated to afford the relief which the exigencies of the times so imperiously demand. If it should be possible to a considerable degree to promote industry among the children of the poor, and to destroy the oppressive restrictions with respect to settlements, still it will be a considerable time before the price of labour will have found its level. Even if other more effectual regulations should afterwards be adopted, still this bill is eligible as a temporary relief. It does not compel the magistrates to act; it only empowers them to take measures according to the exigency of the times. It has been stated as an objection to the bill, that it goes to fix the price of labour; but gentlemen do not attend to the circumstance, that it does not go to determine what should be the general price of labour, but only what should be the least price of labour under particular circumstances. As to the particular case of labourers, who have to provide for a number of children, the wisest thing for government, instead of putting the relief afforded to such on the footing of a charity, supplied, perhaps, from a precarious fund, and dealt with a reluctant hand, would be at once to institute a liberal premium for the encouragement of large families. There is just one circumstance to which I shall advert, before I conclude, namely, the wretched manner in which the poor are lodged. It

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is such as ought not to be suffered in a country like this, proud of its freedom, and boasting of the equal rights of all its subjects. The landlord, who lets the ground upon lease to the farmer, does not consider himself as bound to repair the cottages. The farmer, who has only a temporary interest in the property, feels no anxiety on the subject. The cottage, dismantled and mouldering to decay, affords neither warmth nor shelter to the poor inhabitant, who is left exposed to the fury of the elements and the inclemency of every season. If a negative should be put upon the second reading of the bill, I shall then move for leave to bring in a bill to repeal the statute of Elizabeth, and afterwards for a committee to take into consideration the state of the poor laws.

The motion was negatived. After which, the bill was ordered to be read a second time on that day three months.

Debate in the Commons on Mr. Grey's Motion respecting a Negotiation for Peace with France.] Feb. 15. Mr. *Grey* rose, to make his promised motion on the subject of Peace, and addressed the chair as follows:—In rising to bring this subject once more before the House, I cannot help expressing my sincere regret, that the circumstances of the country have been such as to render it necessary for me so earnestly to press it upon your attention. I ardently hoped, that in the interval which has taken place since a communication upon this subject came from the throne, something would have been done, calculated to give effect to the promises which ministers held out; but I have been disappointed. I expected, that while Europe was bleeding at every pore, ministers would have done something to realize the fond hopes we were all led to indulge in. An interval of two months has elapsed, during which the most favourable opportunities for negociating have occurred, and we, at the present moment, appear not to be a single jot nearer the desired object than before. From every thing to be seen, we are led to conclude, that a contest, the uniform progress of which has been marked with disaster, is to be prosecuted to the utmost extremity. Ministers, have indeed, changed their language and their principles. It is no longer the preservation of social order, the safety of regular government, or the extirpation of doctrines hostile to our tranquillity. They are forced to recur to the expedient of deluding the people with the hopes of peace while they are determined to persevere in the system of warfare; and while they had professions of peace in their mouths, a new campaign was to be enterprised; while they are flattering us with promises, they hurry us into all the expenses and calamities attendant upon war. Under such circumstances, I feel it my indispensable duty once more to call the attention of the House to the subject. Before we had plunged into a war which has been marked by one continued series of misery and misfortune, it fell to my lot to support a proposition of an hon. gentleman, which was calculated to explain and make intelligible, the principle upon which ministers thought it necessary to disturb the peace and tranquillity of the nation. Our efforts were not crowned with success. We at last embarked in the war, without understanding the principle on which we ourselves acted, or even that of our allies, without seeing our way; having, in fact, nothing to hope, and every thing to fear. The consequences were those we had reason to expect. A confederacy without having the same view of the object to be attained, each studying its separate interest, could not be successful. The first campaign ended with the defeat sustained by the allies at Dunkirk and at Maubeuge. Propositions were again brought forward, to induce ministers to take measures for the re-establishment and preservation of peace. Force did not seem to promise success. The moment was upon the whole, extremely favourable to views of pacification, but all ideas of negotiation were rejected. Then came the unfortunate campaign of 1794. From the moment we were obliged to retreat from Landrecy, it was but an unremitting series of defeat and disgrace. Holland, the taking of which was held out to be incompatible with the safety of this country, or of Europe at large was overrun. Again, in 1795, a proposition was made to the same purpose, but still every idea of negotiation was rejected. What followed? Prussia made a separate peace. Spain followed the example. Then appeared the pacific declaration of the Germanic Body, with the exception of the elector of Hanover, who, however, in that capacity, soon afterwards acted a different part. The Emperor, at the

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same time, was indulged with a loan. But why should I repeat these things? It is not for the sake of triumph, but to show, that whatever blame might have been incurred, the fault is not to be attached to my friends or to myself. Let me call to the recollection of the House, what passed in the course of last year. Ministers came forward with smooth phrases, and pleasant expressions. They were afraid to shock the ears of the people with the harsh and discordant sounds of war. They used general words, which, it seems, meant nothing. For what have they hitherto done? Deserted by one ally after another, they continue obstinately to persist in war; and the only hope now seems to be, that we shall soon have the whole weight of the war upon our own shoulders. I was again about to present myself to your notice on this subject, when ministers on the 8th of December last announced a message from his majesty, and from that high authority we were informed, that the long-looked for order of things had taken place; that the crisis had come to a favourable issue; and that negotiation was at last practicable. I had even given notice of my motion, but I thought proper to suspend it, because, finding that we were no longer to hear of the French government being incompetent to maintain the relations of peace and amity, I firmly expected on the meeting of parliament after the recess, to hear that something satisfactory had been done. Has any such thing been heard? No. Can ministers state any thing satisfactory on the subject? Can they tell us that their readiness to negociate has been followed up by actual negotiation? Had any satisfactory explanation been given, I would have abstained from making the present motion. Yet nothing of this kind is understood, and hitherto all our expectations have proved to be vain. Peace in their mouths, while they make preparations for war. Another campaign is about to take place, and, it is said, another loan is to be granted to the Emperor. I find it, therefore, again necessary to bring the subject before the House. The question is, however, disencumbered of many topics which were formerly matters of dispute. I am relieved from the necessity of arguing on the competency of the French to treat. We no longer hear of them as the avowed enemies of God and man, of virtue, social order, happiness and humanity. We have renounced these wild ideas, and have no objection to consider them as a republic, one and indivisible, founded on the basis of liberty, equality, fraternity, and the rights of man. We have not now to discuss the nature of the French government, nor the state of their finances: but to inquire if ministers have done something more than they appear to have done, and which, consistently with their honour they were bound to do. I shall be asked, no doubt, what I have to expect? Why should I intrude myself into the councils of the ministers, and perhaps throw obstacles in the way of attaining the object I so anxiously look for? I may be asked, what more can be done? I do not presume to point out the particular mode, or to dictate the terms; but I wish that we may no longer be deluded by general declaration and vague expressions. I say, that if ministers are sincere in their desire of peace, direct proposals ought to come from this country. They may perhaps say, that this would be prostrating Great Britain at the feet of France. No! Sir, it never can be humiliating for the greatest nation to come forward with the offer of peace. I mean not to say, that we ought to sue for it. When his present majesty, in a speech from the throne, in 1760, informed the parliament, that he had made overtures of peace, but that those overtures not having produced a suitable return, he was bound to continue the war* was such a conduct on the part of this country accounted humiliating? When a nation is successful in war; it is generous to offer peace to the enemy. When the success is equal, overtures of peace are equally honourable on either side. If one be extremely unsuccessful humiliation may become a matter of necessity. I have several reasons to state why a proposal may with propriety come from this country. We have repeatedly refused to acknowledge the independence of the French republic. We have thrown upon them every sort of abuse, which language is capable of conveying. Have we retracted a word of all this? Is the king's message such as would induce the French to throw a veil over the past? The French themselves have in this respect shown the example. They at one time published propositions, which were perhaps justly accounted hostile to every sort of good government.

* See Vol. 15, p. 984.

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These they have directly and unequivocally renounced. We, also, ought directly and unequivocally to acknowledge the French republic, and with that acknowledgment bring forward our proposals. Shall this be called humiliating? The same argument was used by ministers when we on this side formerly proposed what they have since done themselves. When we wished merely to state upon record that there existed in France a government competent to enter into a negotiation, it was called humiliating to make such a gratuitous acknowledgment. Yet this have ministers done. Contrary to all their bold assertions, they abandoned the great cause of social order, religion and humanity, and declared themselves disposed for peace. A desire of peace could not thereby fail to be excited in the country; but the hopes springing from this desire are stifled as soon as created, and we see the war renewed as if no such hope had existed. It would certainly be a fair and manly conduct to go one step farther in the endeavour to procure peace, and directly and openly to make those proposals which prudence and honour may suggest. If the pride or ambition of the enemy form an insurmountable bar to our wishes, war may still be necessary; and however strongly I might be impressed with the idea of the incapacity of ministers to carry it on; I should willingly yield to the necessity of its continuance; but before this dreadful alternative takes place, let us not neglect the means necessary for its prevention. A fair, open, and direct communication, Sir, is the step I propose, and I found it upon his majesty's message, and the declaration of his ministers. Let the country know what they have to trust to; let not their hopes of peace rest on a vague and unsubstantial foundation. Should I receive a single favourable assurance on the part of ministers, I would gladly withdraw my motion; so little am I disposed to fetter their operations, or to pry into their conduct. Mr. Grey then moved, "That an humble Address be presented to his Majesty, to state to his Majesty the desire of this House, that his Majesty may be pleased to take such steps, as to his royal wisdom shall appear most proper, for communicating directly to the executive government of the French republic, his Majesty's readiness to meet any disposition to negotiation on the part of that government, with an earnest desire to give it the fullest and speediest effect."

Mr. *Pitt* said:—Much as the hon. gentleman has introduced into his speech, connected with the origin and conduct of the war, from which I must decidedly dissent; much as I differ with him on many of the topics he has urged, and on many of the principles he has laid down as grounds for his motion; and firmly as I am persuaded that no measure could be more hostile to the true interests of this country than the line of conduct which he has proposed to be adopted; there is still one view of the subject on which I believe it impossible there can be any difference of opinion. If the state of the country, and the sentiments of a great majority of this House are such as I have reason to suppose, there cannot be any essential difference as to the general result. But if, after the explanation which I may be able to give with respect to the state of this country, and the position of the enemy, the hon. gentleman shall still choose to persevere in his motion, there are one or two consequences, which might otherwise be drawn from any declaration of mine on the present occasion, against which it may be necessary for me to guard. I must, therefore, guard against any imputations which may hereafter be brought forward, either as to the insincerity of any declaration which I may express in favour of peace, or as to the inefficiency of the measures taken to facilitate its progress. However I may be disposed to favour that object which the motion seems principally to have in view, I can by no means concede the grounds on which it has been followed up;—I mean that from a view of our situation, and of the events of the war, we should discover such shameful humiliation, such hopeless despondency, as to abandon every thing for which we have formerly contended, and be disposed to prostrate ourselves at the feet of the enemy. If the necessity of our condition, if the sense of having been baffled, should operate so strongly as to induce us to make overtures of peace upon any terms; if every consideration of policy, and every feeling of decent and honourable pride must be sacrificed to the extreme pressure of our affairs, we must then indeed, be bound to receive the law of the conqueror. This situation of affairs the hon. gentleman has not indeed developed, but has pretty plainly insinuated

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it as a ground for his motion. I trust, however, that the state of this country is far different, and that no temporary reverse in the fortune of war, no internal pressure in our domestic situation, has yet produced this mortifying humiliation, this dreadful alternative.—But the hon. gentleman, as an impeachment of the sincerity of ministers with respect to peace, has alluded to an argument, which was formerly supported from this side of the House—that we could not make peace without humbling ourselves to the enemy, and without discovering that we were baffled in our attempts and exhausted in our resources. From this he no doubt meant to insinuate that ministers were at no time sincere in their wishes for peace, and were disposed to throw every obstacle in its way. He does not think proper to mention, that this argument was made use of at a time when the opponents of the war, availing themselves of a series of misfortunes and disappointments which had befallen the confederacy, took the opportunity to press their motion for an immediate peace. We then contended, that the evil was not so great as to exclude hope, or to damp enterprize, that no circumstances had taken place under which a firm and manly resistance became impracticable, and that we might still look with confidence to the effect of a vigorous and persevering prosecution of the war. In proportion as this truth has become manifest to the enemy themselves, do we feel ourselves inclined to adopt a more conciliating tone. In proportion as the situation of things is inverted, the objection, which we formerly made, is superseded. That situation which the hon. gentleman chose only to suppose as theoretical, I contend to be practical; that our successes have been such as to obviate any obstacle to negotiation on the score of national honour; and so far I undoubtedly am of opinion, that the difficulty is infinitely diminished. — In stating, however, generally, my own sentiments, and those of his majesty's ministers, I must protest against the practice of being called upon from day to day, from week to week, from time to time to declare what are precisely our views on the posture of affairs, or what are the steps, which we may think it necessary in consequence to adopt. The progress of the measures, which such a situation of affairs as the present may render necessary, can only be left safely to the conduct of the executive government. If the House are of opinion that the business cannot be safely left in the hands of ministers, the proper step would be to address his majesty to remove them from their situation; and not to endeavour to interrupt the affairs of government by calling on the House of Commons to interfere with the functions of executive authority. The hon. gentleman himself seemed to be aware of this, as he admitted the principle to be correct; he said he did not contend against the constitutional degree of confidence which an executive government ought to have from the legislative power, while its conduct was unexceptionable.—The hon. gentleman says that he does not confide in ministers: on that ground he has been led to give an uniform opposition to their measures during the war; and on the same ground he now expresses his distrust of the sincerity of their wishes respecting peace. Unquestionably the hon. gentleman, who places no confidence in ministers, is entitled to oppose their measures and to question their sincerity; but he is bound to conform to established rules, and not to effect any change in a constitutional question. I mean, whenever this House, adopting a motion like the present, instead of addressing his majesty to remove his ministers, apply in order to take the business into their own hands, they deprive the country of every chance for a successful negotiation. On a question so critical, I am afraid lest I should overstep the line of my duty, by entering too much into detail. It is a subject on which it is impossible to descant so minutely as the hon. gentleman seems to expect, without breaking in upon that principle which has guided every discreet minister in treating subjects of this nature. If I felt that generally, as applicable to subjects of this kind, how much more must I feel it on this particular occasion, considering, as I must, the peculiar situation of the country at this moment?—Let gentlemen look at the situation of affairs on the continent; let them look at the situation of our enemy; what has been their plan and practice? what has been the case in this respect since the hon. gentleman reminded the House of the matter? What, I would ask, has been the effect of the separation of the general confederacy against France, and the weakening of the power of that confederacy?—power, that long

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ere this, might have achieved much advantage, had they kept in union. Recollect what has happened upon the appearance of that separation, and then conjecture what might have been the effect, had the confederacy remained entire. The destruction of the enemy, perhaps, or at least the diminution of its strength to such an extent as to have brought forward an honourable repose and lasting tranquillity to Europe. Let me ask the House, whether or not every man did not believe it was the policy and the aim of France to use all endeavours to separate the confederacy against her? Let me ask, whether she did not seem to triumph even in the hope of being able to effect it? Let me ask, whether any thing remained of the hope of France but this separation, to enable her to dictate to Europe? Let me ask, whether any thing could, therefore, be so desirable to France as the detaching of that confederacy which, for the honour and safety of Europe, was formed against her? And then, let me ask, whether there ever was, or could be, a cause in which it would be more the duty of every good man to prevent any jealousy, or the rising of any suspicion, or the creating of any disunion, among those who, if they remain entire, may yet give honourable and lasting peace to Europe? If the directory have yet any hope of dictating terms to Europe, it is, no doubt, on the same policy which they have hitherto found so beneficial, that they ground their expectations of future success. If there is any thing by which they can expect to attain this situation of proud eminence, this object of their favourite ambition, it is by being able to instil jealousy, to sow the seeds of division, and engender sources of animosity among those of the confederacy, who yet remain united to oppose their power. On preserving entire the remains of that confederacy, depends the only hope of impressing on them a conviction of the necessity of yielding to reasonable terms, and of bringing the war to a desirable conclusion. And, perhaps, in this point of view, an attention to the preservation of that confederacy becomes a duty, not only for ministers, but for all those persons who are anxious for the public welfare, and interested in the national character; for all those who are desirous of an honourable peace, and adverse to any peace purchased with dishonour: and, if such be the case, it is important for them to consider whether the measures which they may wish to persuade government to adopt, be such as may oblige the country to give up the chance of a successful peace altogether, or to take it on terms inconsistent with the honour of the nation. If we receive propositions of peace on the terms of the honourable gentleman, the considerations "speedy and honourable," then become separated. We must, in that case, choose the alternative: if we adopt the motion, a peace, "speedy and honourable" we cannot have. But an honourable peace we may have, if we persevere in the same firm and vigorous line of conduct which we have hitherto pursued. This I know, not from any immediate communication with the enemy, not from any communication of their disposition for peace, but from the statement which they have themselves furnished of their defective and almost exhausted means for carrying on the war. On this ground I oppose the motion. If I were not sincerely and anxiously desirous of peace, I should be forfeiting my duty to the country, and violating the trust which I hold from my public situation; but I can never consent to the proposition of peace, unless the terms should be consistent with our present honour, suitable to our present condition, and compatible with our future security.—Having said this with the general view I have of the subject of peace, if the question be thought a necessary one, I will say a few words as to the message from his majesty to parliament about two months ago, because it was said, that no step had been taken since for a negotiation; I hope the House will recollect what I said upon that occasion. I said then, that the House should not compel, by its vote, the executive government to enter into a negotiation, bound down and fettered with any acknowledgment of our own weakness: precisely the same thing do I desire of the House upon the present occasion. Those who differ from me in general, and who have thought the war altogether unnecessary, I did not then, nor do I now, expect to convince; but the House at large thought as I do. To the House at large, therefore, I will now say, that the question, as the hon. gentleman has himself stated it, is a very narrow one—"Whether, because after having received the message from his majesty no communication has taken place

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of any subsequent measures, the House, by adopting a motion of this sort, ought to compel the executive government, bound hand and foot, to commence a negotiation?" If the hon. gentleman entertained such distrust of the sincerity of ministers, as to suppose them disposed to take no measures to carry into effect their own declarations, I shall certainly not argue with him on that point. But in order to be consistent, the argument of the hon. gentleman must infer, either that overtures have been made on the part of the enemy, or that some favourable opportunity has occurred to this country for the purpose of commencing negotiation, which have been rejected subsequent to the period of the message.—If a negotiation should be entered into, it is evident, that in order to give it its full effect, we should be careful not only to keep up the strict letter of our engagements with our allies, but to maintain with them full concert and harmony. I therefore, take upon me to assert, that since his majesty's message has been delivered to this House, ministers have taken every measure consistent with the general interests of the country, and with the attention and regard due to her allies, to enable his majesty to take any opportunity, either to meet overtures for negotiation, or to make such overtures as might be found most expedient. That no etiquette with respect to who should make the first overture—no difficulty in finding a mode of making it, appeared to government to be an obstacle to negotiation, if in other respects there appeared to be a probability of leading to just and honourable terms; the great point being what prospect there was of obtaining such terms. Measures have been taken to ascertain these points, and are now in train; and if the enemy are sincere, they must speedily lead to a negotiation. Whether that negotiation will lead to peace I cannot say, because that depends upon whether the exhausted state of the enemy will incline them to set on foot that negotiation with a view to peace, very different as to the terms of it from any which their public declarations have for a long time past seemed to indicate: if this is not the case, I must say a speedy peace is impossible. I wish ardently for peace—but not for any but an honourable peace. The country has a right to expect it from its own strength and resources, and from a knowledge of the relative situation of France.—I admit that the hon. gentleman in his speech separated negotiation from the terms. But in other passages he talked of negotiation as leading to an immediate peace. I do not hold out a prospect of immediate peace, nor do I state any period that I can ascertain for it; I only say it will not be the fault of his majesty's servants if the period is remote. The enemy must be however ready to make it on terms which we have a right to think just and honourable; it rests not on us only, but also on the enemy, whether this may lead to any negotiation at all, or whether negotiation will lead to peace. It all depends on this, whether the disposition of the enemy shall be more moderate than any we have lately seen of their professions. Sorry I am to see such a seeming disposition on the part of the enemy, as may render them, in case of success, desirous of preventing any effect to pacific dispositions, which they may now profess, or even of retracting them. Whether this may lead to a moderation in practice which I have not seen yet, I know no more of, as I have said already, than what any other gentleman has an opportunity of knowing. What has been made public I hope is not authentic; however, by what has been circulated in this country, and through the continent with industry, and what they are said to hold out as the boon of peace to the English nation, it does not appear as if they were very desirous of meeting us on honourable terms; for I have heard that they are ready to give peace, because the government of England asks it. Thus then we are to have peace if we shall sue for it; that is, if we shall abandon that for which our ancestors have fought so bravely.

Mr. *Fox* said:—Notwithstanding, Sir, the mode of arguing which the right hon. gentleman has adopted this day, in introducing matter somewhat irrelevant to the question at issue, I intend to confine myself almost entirely to the subject of my hon. friend's proposition. The House will pardon me, however, if I make a few preliminary observations upon the manner in which the right hon. gentleman commenced his speech. Far be it from me to discourage any inclination that may be shown to negotiation, or in any degree to retard the advance to peace; for whether the season for negotiation be advantageous, when compared with those which have occurred at periods which are past, it is certainly advantageous, when com-

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pared with any that may be expected in future, however numerous our victories, or however unprecedented our success. I cannot, however, refrain from saying a word or two upon the past, not with a view to exaggerate the difficulties of the present, but merely in my own vindication, for having proposed pacific measures, when they were refused to be adopted. Will it be said, that when the Low Countries are in the hands of the enemy, when Holland is become a province of France, and when they are in possession of St. Lucie and St. Domingo, that we are in a situation in which more honourable terms of peace may be expected, than when they were driven out of the Dutch provinces: when they were routed in every battle in Flanders; when they were compelled to retreat within the limits of their own territory; when Valenciennes was taken; when a considerable impression was made upon them by the Emperor in the north, and by Spain upon the south; in short, when they did not hold an inch of ground without the boundaries of Old France? Then we were told, that it would be humiliating for the country to offer terms of peace, and that we should wait till the misfortunes of our foes should lay them prostrate at our feet.—When I proposed a pacification in the beginning of the year 1794, I was told, that the late campaign had exhibited a series of triumphs more brilliant than any which the annals of the country could boast. Last year a negotiation was moved for, before Holland was totally lost, the recovery of which was assigned as a principal cause of the war; and then it was said, that any proposal on our part would be degrading to the honour of the country. I hope, however, that he who thinks it possible to propose an honourable negotiation now, will no longer accuse us of having entertained a wish to humiliate the country, by advising the government to offer terms of peace, under circumstances in which it was infinitely more advantageously situated. My argument, at present, does not turn upon the propriety of proposals for peace coming from one country more than from another, but upon the seasonableness of the time. I perfectly agree with the right hon. gentleman, that the present is the most proper season which may well occur, and in the faith that he is inclined to improve it, I have the less disposition to press the errors of the past. But here a question occurs—Who shall make the first step towards peace? In all wars, I think, this is a point of little importance; and in this war, I think it of less importance than almost in any other. When hostilities commenced between the countries, the French held it out as a principle, that they were determined to propagate their government all over Europe. How long they persevered in maintaining this absurd principle, it is of little consequence now to decide. Suffice it to say, that it afforded a real or ostensible ground of hostilities, and that the principle has been formally renounced in an official declaration, abjuring all interference in the internal government of any country. This is an example which we ought to follow; and when the French have announced themselves at amity with the English constitution, the English government ought to abandon every idea of intermeddling in the affairs of France, or of altering any form of government which they may think proper to adopt. Perhaps I may be told, that even if terms of peace be proposed by this country, they may be rejected by the French, and that this rejection may render it necessary for us to interfere in the settlement of their form of government. But if we do not formally publish the declaration, we may at least announce our readiness to make it. And even then we do not go so far as they have done.—There was a word in the minister's speech, which, notwithstanding all its pacific complexion, I was sorry to hear, and which to me appeared to indicate, that it is his opinion, that the present government of France has not arrived at that crisis which was particularly described in his majesty's speech. It was this, that the French government were perhaps disposed to grant to this country, as a compensation for all the losses which it has sustained from the war—the honour of its fraternization. But, does the French government persevere in that system now? I hope and trust it does not. And if it does not, why rake up the recollection of former wrongs, and renew the causes of discord which no longer exist? The subject, however, chiefly depends upon a question of time. On the 8th of December, a message was sent down from his majesty, stating, that the affairs of France had arrived at such a crisis, as to render negotiation possible. On the 29th of October in his majesty's speech, there was a

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paragraph upon the subject, the meaning of which appeared to me to be by no means clear. We were told, however, that it was afterwards explained, and that the subsequent message was nothing more than the natural consequence of the king's speech. If, then, the ideas conveyed by the message were hypothetically the opinion of the minister, who was certainly to be considered as a principal assistant in framing the speech, we are to trace the measures of government back to the 29th of October. But even supposing that the 8th of December was the earliest time that the king's cabinet ministers formed any definitive opinions upon the subject, when we take into consideration, not only the lapse of time, but the very extraordinary circumstances attending that lapse of time, it is natural to ask, did it require two months (or if we date it from the 29th October, did it require three months), to come to an understanding with our allies; or rather, was it not reasonable to expect that something might have been done in that time? The expectation was the more reasonable, when we consider what those two months were. They were not two months in the heat of a campaign—they were not only in a season, when God and nature united to create an armistice, but when an armistice had actually taken place—they were not during the sitting of the parliament, (though I am not one of those who consider the sitting of parliament as an impediment to negotiation), but during a parliamentary recess, prolonged, as the friends of the minister gave out, for the purpose of leaving him unshackled to carry on the negotiation. When these circumstances are considered I wish to know why no steps have been taken?—I must here advert to a passage in the right hon. gentleman's speech, in which he represented it as having been the policy of France to divide the allies, and when she was on the eve of sinking beneath their combined pressure, to detach some of them from the confederacy. Perhaps I am not so well acquainted with the circumstances of the war as the right hon. gentleman, or at this moment I may not have such a lively recollection of the details of its history; but I certainly do not remember any peculiar difficulties under which the enemy had the misfortune to labour at the particular conjuncture when our allies seceded from the treaty. I do not recollect that France was in circumstances of particular difficulty, when the king of Prussia renounced the cause of the allies. I do not recollect that France was in a situation of unusual hardship when she concluded a peace with Spain. Nor do I recollect that the elector of Hanover, and the other German princes, were exulting in the abundance of their victories when they commenced a negotiation. On the contrary, I think I have heard that Spain sued for peace, not when Spain was in the unimpaired possession of her territory, but when the principal provinces of the empire were in the hands of the French. Nor from any information which I have received upon the subject, can I pay such a compliment to the king of Prussia and the princes of Germany, as to say, that they offered terms of peace to the enemy when they were in the career of conquest, and the zenith of their glory. I confess I cannot see (if the professions of the right hon. gentlemen be true) what renders an explanation of the proceedings of the government of this country a subject of so much delicacy in the present war. If he admits that he is engaged in a clandestine negotiation, of the benefit of which he means to deprive our allies, and of which, of course, he would wish to keep them ignorant, then I conceive some motive for his conduct, and I am ready on such a supposition to allow his argument, if not honourable, to be at least logical. But if, as he declares, he is really acting in concert with our allies, where would be the harm, if he were to lay all the papers which have passed upon the subject before the House? And here I cannot refrain from making one observation on the difference of situation, in which we have stood with respect to our allies in the course of this contest. I cannot help remembering a glaring defect which was pointed out last year, in the terms of the loan which was then voted to the emperor. It was then objected, that we did not bind him to persevere in the prosecution of the war longer than he thought fit. The answer was, if we bind the emperor to prosecute the war, we must ourselves come under the same restriction. And now we are told, we cannot make peace, except in concert with our allies." I mention this merely to show the different representations that are given of matters according to the pressure of different arguments.—The right hon. gentleman has given us to understand something in his speech. It

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is material to know what he really intends to convey, to understand how much, and the precise value of what he has advanced. I understand him to have said, and I beg to be corrected if I am mistaken, that measures have been already taken by ministers, with a view to avail themselves of whatever circumstances may occur favourable, either to making or receiving overtures of peace with France. I certainly do not mean to quibble upon words, and therefore it cannot be supposed that he can mean a continuance of the war to be one of those measures which he hopes are introductory to negotiation. If it be understood, that since the message of the 8th of December, he has endeavoured, by means of communication with our allies, to learn the grounds on which they wish to negociate, this certainly is something; but it is an instance of tardiness for which it is difficult to account. And even admitting these steps to have been taken, it still remains a question of serious urgency, whether the motion of my hon. friend ought to be agreed to by the House? That the manifestation of a sincere desire to negociate would in this country produce an effect highly popular, is a fact not to be disputed. To the rest of Europe such an inclination would be no less grateful; and I will put it to the judgment of the House, if they really think the country will make worse terms of peace with France, because the French government know our desire for peace to be sincere? Is it not to be feared, on the other hand, that the mutual alienation of affection, and the mutual distrust which have subsisted between the countries, will create a more serious difficulty with respect to the success of any negotiation, than even the terms that may be proposed? In former wars, we have found that the obstructions to pacification arose more from the temper of the adverse countries, than the specific terms which were brought upon the tapis. In the war of the succession, which, without exception was the most glorious of any that this country was ever engaged in, is there a Whig at this day so bigoted as not to believe that the conferences of Gertruydenburg might have led to peace, had they been properly conducted, and that the prolongation of the war arose from unextinguishable jealousy, and unyielding rivalship? I am not so sanguine as to expect that no difficulty will arise in negotiation about terms? I wish to God that the situation of the country were such as to afford any reasonable ground for such an expectation. But what I contend for is this, that such has been the asperity displayed on both sides, in the course of the contest, that the temper of the governments will occasion a difficulty no less formidable than any that may occur in the discussion of terms—a difficulty which I am sorry to say the concluding part of the right hon. gentleman's speech was by no means calculated to remove. It may be said, that the language held by the Directory was insolent in the extreme. But because insolent language is held by the Directory of France, is that a reason why the government of England should assume the same tone of insolence? Were we to adopt conciliatory language, the effect would be immediate upon the temper of the French government in softening asperity, and silencing abuse. And if such would be the effect in France, what might not be expected here?—It was stated by the right hon. gentleman that the motion of my hon. friend, if agreed to by the House, would so cramp, fetter, and humiliate government, that it would be impossible to negociate with honour. This is an objection which has been stated so often in the course of the war, that it has entirely lost its force. When on a former occasion it was proposed to declare the government of France in a negociable situation, the proposition was rejected with scorn, and now this very declaration has been made by ministers, and we have experienced no inconvenience from it. As to the prerogative of the crown of making peace, when and how his majesty pleases, no man doubts of it; but no man, on the other hand, will doubt of the prerogative of the Commons of England to advise his majesty, both as to the time and the terms of pacification. The present is not a matter of right, but a matter of discretion. I have put a case before to the House, which is so appropriate to the present circumstances of the country, that I may be allowed to quote it again—the case of the American war. In the course of that war, we heard from a noble lord, that it was the height of indiscretion in parliament, to interfere with the prerogative of the king in making peace. Parliament wisely rejected the noble lord's argument, and not only declared that America was in a negociable situation, and that the States should be acknowleged as

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independent, but they even declared that no offensive war should be carried on against America; and this very declaration enabled the right hon. gentleman and his associates at that time to conclude a peace, the terms of which were certainly not such as the country, in my opinion, had reason to expect from its circumstances at the time, but which redounded much to his credit, when compared with the misfortunes to which it had formerly been subjected.—There are certain bugbears which have always been held out by ministers to parliament, and which have been disposed of according to its good sense at the time. The pretences of state secrets, and parliamentary confidence, have always been held forth as a shield for the measures of the servants of the crown; fortunately for the people, however, their constituents have not been always inclined to pay that attention to them, which to superficial observers they may seem to claim. As to the state paper to which the right hon. gentleman referred, I have not seen it, and therefore am not qualified to reason upon it. But allowing the sentiments of the directory on the subject of peace, to be as wild, fanciful, and extravagant as it is possible for them to be, that is no reason why these sentiments ought to deter us from offering terms of peace. The time in which we live, is a time in which government must pay some attention to the opinion of the people whom they are appointed to govern. Were a disposition for peace, on the part of the government, discovered to the people of England, it would diffuse general happiness over the kingdom; and if it was made known to France, I am convinced that her concessions would be as ample as we could wish. As to the popular opinion in this country, it has for some time been evidently against the war; and I say it to the credit of ministers, that they have sacrificed something to the constitution of the country, in permitting the opinion of the people respecting the war, to have some weight in regulating their conduct. If the demands of France are exorbitant, let us meet them with reasonable overtures on our part, and moderation will have a greater effect than the most strenuous resistance, in relaxing their exertions. I know reason has too little to do in the government of the world, and that justice and moderation must often yield to power and lawless might. This has been unhappily exemplified in the fate of Poland. Still, however, it is no light matter in national as well as private concerns to have reason on our side. I know I have been sometimes thought absurd, when I argued, that honour was the only just cause of war; but I still believe, and there has been nothing in late events to contradict the opinion, that reason and justice in any cause are the most powerful allies. If this be the case, let us manifest to France, to Europe, and to the world, a spirit of moderation; and let us this night address his majesty to commence a negotiation with the republic of France. I say the republic of France; for there is more in names than one would sometimes be apt to imagine. Ministers have talked of "the French rulers," of "persons exercising the government of France," &c. If they are serious in their intentions of making peace, they must hold a language more explicit. They have sent an ambassador (lord Macartney) to the court of Louis 18th. Do they imagine, after such an insult to the present government of France, that a negotiation can be entered upon without a previous and direct acknowledgment? That government has been recognised in various acts, both by us and our allies; in the exchange of prisoners, the release of the princess royal, &c. There is no injury, therefore; but, on the contrary, much advantage to be derived from a more full and explicit recognition. At the peace of Utrecht, the negociation and conferences at Gertruydenberg were injured by Louis 14th employing an ambassador in the interest of the pretender; why, then, the count d'Artois should now be so much countenanced by government as ambassador from an unfortunate prince, I am at a loss to conceive. Is it not highly necessary, then, to make an explicit declaration, that we are really desirous of a suitable and honourable peace. Let us, however, come to the point. Ministers say, all this is very good, if you let us do it; but if the House of Commons suggest it, it is very wrong. Do they think, however, that there is a cabinet in Europe, or even that there is a man who reads a newspaper, who believes, if the motion of my hon. friend were to be carried this evening, that it was forced upon administration? Nay, would he not rather think (if indecency I may be allowed to say so), that ministers had made the House of Commons adopt the motion? Allowing

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the right hon. gentleman all the confidence which he can desire, nothing could tend more to evince the confidence of the House in administration, than the motion that has been made this evening. Even if it be the etiquette of the minister, that all declarations of this nature shall originate in the crown (an etiquette which I do not understand) I would not put a declaration of the crown in comparison, in point of authenticity, with that which the present motion, if carried, would convey. Let him recollect that every moment of delay is a moment of danger, and therefore let him not procrastinate in making the declaration. He may, perhaps, have intended the speech of this evening to serve the purpose of a declaration: but he cannot but know the wide and immeasurable difference between a speech which may or may not go abroad in an accurate manner, and a resolution inserted in the votes of the House of Commons.—I shall not say one word on the relative situation of Great Britain. I am not one of those who are inclined to think despondingly of the situation of the country. But if any thing could make me despair, it would be that species of reasoning, which, after telling me of the increased national debt, the load of taxes, and the consequent misery entailed upon the people, desires me to look to the ruined finances of France for comfort, which are quickly hurrying that power to the precipice of destruction. So that, in proportion as the enemy retreats from the common abyss which would swallow up both, we are encouraged to be under no apprehension for our own safety. I will allow, that the French may be in greater distress than the people of this country are at this time; but to me it appears to be very poor comfort to the afflicted to hear, that their enemies will fall a little before them. Even supposing France to come and bow at our feet, supposing that Louis 18th were to be proclaimed rightful heir of the crown, and supposing that she were tamely to surrender all the conquests she has made it would be no recompence for the loss that we have already sustained. According to the statement of the right hon. gentleman, the territorial rental of the kingdom does not exceed twenty-five millions annually. The taxes, if they turn out as productive as they have been estimated, will amount to twenty-one millions, which, with the poor-rates, will make a sum equal to the whole landed rental. Now, though I am not one of those who think that land pays all the taxes, I think the weight of them lies upon the land, which cannot exist very easily under a burthen of twenty shillings in the pound. I am told that things are worse in France; but, will any man be bold enough not to wish for peace, because the finances of France may be in a state still more deranged than ours? Rather than continue the war for another campaign, independent of the moral reasons against its prolongation, I would not unquestionably give up our honour, our dignity, or our liberty, which, till I die, I trust I shall never fail to assert; but I would give up all questions of etiquette and accommodation, and in fact every thing short of what most nearly concerns our character. Let it not be understood that I wish for a dishonourable peace, or peace on any other terms than those which are suitable to the interests, and consistent with the dignity of the country; but I am sanguine enough to think, that even now this country may have fair and honourable terms of peace. The governors of France dare not refuse any reasonable terms which we may offer; if they do, others will then be appointed in their place, who will dare to accept of them. When peace shall be proposed, however, I hope and trust that it will not be proposed on the dividing system, and that this country will never give its sanction to any such transaction as the infamous partition of Poland. Dearly as I love peace, and anxiously as I wish for it, that such a peace may never prevail, I most heartily pray. I hope when peace shall arrive, that the interests of humanity as well as of kings, and that of every particular state, will be consulted, and that tranquillity will be re-established on the broad basis of justice, in answer to the prayers of mankind, who are now fatigued with war, slaughter, and devastation.

The House divided on Mr. Grey's motion:

Tellers.

Yeas	Mr. Grey Mr. Whitbread	50
Noes	Mr. Steele Mr. Adams	189

List of the Minority.

Antonie, W. Lee	Barclay, George, esq.
Aubrey, sir John	Baring, John

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Bouverie, hon. E.	M'Leod, general
Bouverie, W.	Milner, sir W.
Burch, J. R.	North, Dudley
Church, J. R.	Peirse, Henry
Clerke, Jerv.	Plumer, William
Colquhoun, William	Rawdon, John
Coke, T. W.	Ridley, sir M. W.
Courtenay, John	Rogers, sir F. W.
Crespigny, T. C.	Russell, lord William
Crewe, John	Russell, lord John
Curwen, J. C.	Sheridan, R. B.
Fitzpatrick, general	St. John, hon. St.And.
Fox, right hon. C. J.	Smith, general
Francis, Philip	Smith, William
Halhed, N. B.	Spencer, lord R.
Harcourt, John	Tarleton, general
Hare, James	Vyner, Robert
Honeywood, Francis	Vyner, Robert, jun.
Hussey, William	Walwyn, James
Jekyll, Joseph	Western, C. C.
Kemp, Thomas	Wilbraham, R.
Knight, R. Paine	
Langston, John	TELLERS.
Lechmere, Edward	Grey, Charles
Long, Samuel	Whitbread, Samuel

Debate on Mr. Wilberforce's Motion for the Abolition of the Slave Trade.] Feb. 18. Mr. *Wilberforce* rose to make his promised motion respecting the Abolition of the Slave-trade. He said, that when he considered how often he had brought the subject in various shapes before the House, and how many grievous disappointments he had met with in his prosecution of it, he could not but foresee that many would be inclined to wonder at his perseverance. If there were persons who, from that conception, were led to indulge the hope that he was either discouraged by want of success, or baffled by opposition, he would tell them they utterly mistook his temper, as well as the principles upon which he had taken the matter up. This question differed fundamentally from all others, which had ever come under the cognizance of parliament. There were many questions of policy on which different opinions might be formed upon the most disinterested principles; on which the decisions, though of importance, might yet not cut very deep in the end; and the delay and suspension of which might be attended with no great degree of misery or injury. In the present case, however, error in decision, and delay or suspension in proceeding, was, attended with ruin, beyond all calculation, to unhappy Africa: while the House slept, the mischiefs complained of were going on, and every year, nay every day, was adding to the guilt of this country, and to the calamities of that. Impressed, as he was with these horrible truths, he felt it to be his duty to strain every effort, to prevent a practice so destructive to the human, race; so disgraceful to the character of the British nation.

It was hardly necessary for him to state to the House, that there was something very peculiar in the present time, as connected with this unfortunate subject. Gentlemen could not but recollect, that the 1st of January 1796, was the time when the House had declared that the slave trade should end. The first of January, 1796, was past, but alas! the detestable traffic proceeded with undiminished spirit. Taking the resolution of that House, "that the slave trade should be abolished in January 1796," * for his ground, he stood upon a foundation that could not be shaken. This was the sentence of the House, formally and deliberately pronounced, after a more elaborate discussion than any question had ever undergone. It became his duty, therefore, to call upon the House for the execution of its sentence. In doing so, it would be superfluous to argue, since any effort to shake the well-grounded resolution of the House would be as ineffectual, as any attempt to convince those, who were not already convinced, would be vain.

The House, in order to do justice to the question, should remember the state of opinion on that occasion. Some were disposed for an immediate abolition; a large majority was in favour of a gradual abolition; but, however different in opinion on that point, all agreed in branding the traffic with every epithet of infamy and reproach that ingenuity could devise. That should be ever remembered: for his part, he never would forget it; from that ground he would never move. He would not trouble the House, or afflict the sensations of those who had feeling, with a repetition of things at the bare thought of which his own heart sickened. Those mischiefs, then felt and branded with the execrations of the House, were still going forward, and would continue to go forward with increased industry, if the House did not interpose, and take a quick, decisive, and an active part. One topic there was which threw new light on the business, and pointed out more distinctly, if possible, the necessity there was for the House to interfere without delay: he al-

* See Vol. 29, p. 1293.

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luded to the present state of the West India islands. Last year, the state of that quarter had pointed out the policy of adopting some means for stopping the influx of Africans into those islands. If that motive was urgent then, how much more so was it at present? Did gentlemen consider what the enemy was even at this time doing there? Did they not know that the French government was acting there on the decree of 1794; and by emancipating, and turning the arms of the negroes against us, had got several of the islands into their possession, and were promoting and encouraging insurrection in others? Had the act passed, our enemies would never have possessed the strong ground they held in Guadaloupe, Grenada, and St. Vincent's. Was it not evident that the negroes lately imported would be easily influenced by the wide spreading system introduced by the enemy? What tie had they of attachment to the planters, when liberty was offered them by our neighbours? Let any man ask himself how much more likely were the new imported slaves to be influenced by French principles than others, and common sense would supply the answer. Upon the arguments used by the adversaries of the abolition, it was manifest that every fresh importation of African negroes was a fresh accumulation of inflammable matter into the islands: when they saw what was going forward with others under the machinations of the enemy, was it to be hoped that they would not lend their aid; and thousands upon thousands joining in the cause, become quite irresistible? How much less would the danger have been, if the 150,000 wretched Africans, who have been imported within the last four years, had not been added to the most dangerous of all the negroes. Was it not then, infatuation of the most extravagant kind to continue the trade under such circumstances? If gentlemen felt no impulse from the principles of justice and common humanity they should at least hearken to the dictates of policy and common sense, and give to self interest what they might be disposed to refuse to the calls of compassion, justice, and virtue. Those who had argued, that there were not negroes in the islands to make up a sufficient stock, would surely be from this moment deprived of that argument, since many more had been introduced subsequent to that argument being urged, than the number those gentlemen had specified. Formerly, it was an argument of objection that the number of slaves in the West Indies was not great enough to execute any powerful act of rebellion; but when we recollect that since those arguments were used, there has been a progressive augmentation that argument of safety is weakened and diminished. Another argument was, that by enfranchising the slaves, we should let them loose upon society, and by that means excite anarchy and confusion. He most earnestly enjoined the House not to suffer such an argument to prevail for a moment; nor to let our enemies assert that we suppressed liberty, in every shape, while we pretended to cherish it; but to show an admiring and applauding world, that we did really succour liberty, while we repressed licentiousness. If there were any who, rendered insensible by habit to the demands of humanity, could look with indifference on such a traffic, let them ask themselves, if they never before had heard of it, and were told that a system so repugnant to every human feeling, and so contradictory to every divine law, had been encouraged by the House of Commons, what opinion they would form of that House? Shall it be said, that those who spread confusion through Europe, shall be merciful alone, in that point where we are deficient? Shall it be said that they pour balm into the wounds of the Africans, whom we scourge and torment? He was convinced, that neither policy nor interest justified any such measure; and sure he was, there was no man bold enough to advance, that any interest was a sufficient apology for the continuance of such a system of barbarity and wickedness. He exhorted the House, in the most pathetic language, to consider what an important question they had to decide upon; and to reflect, that upon their assent or dissent, the fate of millions of their fellow-creatures depended. He implored them not to resist obvious and just claims by vague declarations; but if they saw any harm in the measure, to state it specifically, and say what it was. And, finally, as they had themselves, upon the most full examination and discussion, pronounced a just and equitable sentence, he called upon them to carry it into immediate execution. To which end he moved, "That leave be given to bring in a bill for the Abolition of the Slave Trade, at a time to be limited."

General *Tarleton* said, though he al-

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ways admired the eloquence of the hon. gentleman, and though he gave him every credit for his intentions, yet when he considered the critical situation of the West-India islands, he could not agree to his motion. The Liverpool traders he affirmed, had suffered more than any others by the war, as the African coast had been swept by the enemy's force. He thought it therefore rather severe, that their property should be marked for destruction, by the adoption of the present motion. There were two propositions in his mind insurmountable; the inexpediency of the measure, and of the time for carrying it into execution. In 1793, the House was decidedly in favour of gradual abolition; and while this country was in peace, they all along entertained this idea; but if we compared the present with the past, it must be confessed, that no time could be more unfit for coming to a resolution of abolition than the present. The hon. gentleman had looked at the West-India islands, and had concluded that the circumstances existing there justified such a measure. The general said, he was of a very different opinion. The progress of the French manners there would show, that it was necessary to oppose them, to save our possessions in that country. We ought rather to endeavour to increase the population, since it added to our defence, than depress it by stopping the importation of negroes. The discussion of the question might have such effect on the slaves, as to turn them against their masters, and induce them to pursue the practices inculcated by Jacobin principles, and the doctrine of the rights of man. With regard to the commerce itself, there was less cruelty in it than gentlemen imagined. It engaged the attention of the petty princes, and prevented mutual wars and massacres. He was convinced of the impolicy of the measure, and would therefore move, "That the other order of the day be now read."

Sir *W. Young* said, that the hon. mover had called upon every gentleman, who rose to oppose him, to come forward, in a fair and manly way, with arguments. This he proposed to do. In 1792, he went to the West Indies, to investigate the conduct of the planters to the slaves. He found the treatment of the planters highly benevolent and proper. He came home with this impression on his mind, and had brought with him a body of evidence to establish the benevolence of the planters. The House had been much taken by surprise in this business. He way able to show, by a letter he had in his hand, the solicitations and undue influence that had been used to make a bad impression on the minds of gentlemen. It was well known that there were places called rotten boroughs, where one personage or family sent, by their sole patronage, members to that House; it was also known, that there were other corporations, where only about twelve persons had all the political interest. It had been the custom to send a circular letter to the patrons of boroughs, to try to prejudice their minds, against the slave trade; and to corporations, where a few electors returned members, to gain over the majority, to instruct their members to vote for its abolition. To counties and places where election was more general and in the hands of many, this circular was sent to leading characters, to influence the multitude, and induce them to petition against the trade. Here sir William Young read the letter signed T. Clarkson, which was dated the 14th of February, 1796, after Mr. Wilberforce had given notice of the motion then before the House. Such were the steps taken by the committees for the abolition of the slave trade, to make the members of that House act inconsistently with their duty and conscience. What he offered to the consideration of the House, was not simply his own opinion, or what he collected from personal experience. He was confirmed in it by the authority of an intelligent writer, Mr. Bryan Edwards, the historian of the West Indies, who declared to him, that he considered the disturbances in St. Domingo as originating in the committees here, whose proceedings had the appearance of taking the part of the slaves against their masters. Nothing, he was persuaded, could tend more to render the negroes on the plantations discontented, than an assurance that their labours were not to be alleviated by the arrival of additional assistance. He gave Mr. Wilberforce every credit for his humanity and integrity, but, in the present instance, he conceived he was led away by modern theorists and canting hypocrites in religion. In the worst days of the Jesuits, it never was adopted as a moral obligation to pursue good ends by bad means Such, however, was the theory set afloat in these times, to the injury of property

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and morality. He appealed to the House, whether this was a proper period for carrying such a measure. It was, he was convinced, the very reverse. The attachment of the slaves to their masters was well known. Before the hon. gentleman had made his motion, he ought to have read a history lately published, of the state of the trade on the coast of Africa. In that book he would read, that the natives escaped the cruelty of their petty princes, by being sold to the West India planter: and that the king of Dahomey, who sold his prisoners to the Europeans, if he could not dispose of them, had declared his resolution to put them to death. In neither the West India islands, nor on the coast of Africa, would the situation of the slave be bettered by the measure; on the conrrary, the planter would be ruined in his property, and this country much injured in its commerce.

Mr. *Buxton* thought the conduct of the committees had been perfectly constitutional. He hoped constituents would always continue to instruct their representatives. For his own part, he had uniformly been in favour of the abolition. Possessing liberty and the rights of man, he wished to see others enjoy the same blessings, and on that principle supported the motion.

Mr. *Courtenay* said, that the hon. baronet had alluded to the methodists as the authors and abettors of the motion, who, acting upon the absurd notions of the rights of man, introduced doctrines injurious to society. It so happened, however, that the present motion was founded in practical humanity. The object of it was to release a wretched herd of men from slavery, to raise them to society, to enlarge their minds, increase their enjoyments, and extend their use. Unfortunately, there was a malicious narrow-minded desire to counteract this; and this insidious spirit of gain and persecution, had been found to reside in men of high birth and station, and even in some of the clergy, who, in direct disobedience to the precepts of their mission, had laboured to traduce and pervert the scriptures to their sophistry, and had hurled forth their anathemas against those who dared to controvert them. These fanatics had presumed to say, that because Cain murdered his brother Abel, some five or six thousand years ago, the negroes, were doomed to eternal bondage, and were stamped with the seal of the Eternal's vengeance. Another argument was, that the negroes were better used to the climate than Europeans, and therefore, ought to be imported. Unfortunate indeed, was it for these miserable beings, that because they were born under the tropics, they must be torn from their dearest friends and relations, and drudge through a life of slavery! The religion, the logic, and the morality of the supporters of this diabolical traffic, were equally consistent and praiseworthy. It was impossible that this inhuman traffic could go on without the total loss of our West India islands. It had been said, that the condition of the slaves had been meliorated. But was not that one of the blessed consequences of the regulations proposed by the hon. mover? He hoped the House had heard such futile arguments too often, to be any longer deceived by them, and that they would not be perpetually sounding the words morality, christianity, and revealed religion, without giving an example of the doctrines they inculcate.

Mr. *Jenkinson* said, that in the present state of our national concerns, he could not but deprecate a motion of this nature. He was apprehensive that its tendency would be to lead the negroes into an idea that the House was about to take up, what they supposed to be their cause, in opposition to their masters. The effect of such an opinion, when entertained by them, would be to destroy all subordination, and to endanger the present state of the West India islands. In his opinion, the danger of agitating such a topic, was infinitely greater at the present, than it would have been in former times; in proportion as the French principles of equality prevailed, in the same ratio was the danger increased of an insurrection among our West India negroes. A country might be in that uncivilized state (as, perhaps, was the case in some parts of Poland and Russia), that but little comparative risk attached to the discussion of such a subject; but in the West India islands, the people of colour in particular, from their increased sources of intelligence, had it much in their power to influence the untutored minds of the African negroes. He therefore considered the danger of insurrection from the slaves newly imported, to be far less than that which would arise, were an act of the

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British legislature to be considered by them as holding out an idea of support against their masters. When to this he added the present convulsed state of the islands, arising from the war, he could not but anxiously wish the question to be at least postponed till the restoration of peace. He thought that when the blessings of peace came, some measure might be adopted for the relief of the negroes, with perfect safety; till then, he wished the subject to be buried in oblivion. Had the hon. mover attempted less, perhaps he might have accomplished more; but in his opinion, no good consequences could arise from the present motion, in comparison with the evils it would probably produce.

Mr. *Pitt* said, that on a subject which had been so often and so elaborately debated, it was not to be expected that any arguments could be adduced which had great novelty to recommend them. When, however, he considered the vast importance of the object, he could not for a moment admit that any possible circumstance, any question of expediency or of local difficulties should impede the discussion. For his own part, he wished to enforce it, because he still adhered to the opinion which the House had already given upon the subject; and he should consider himself as doing injustice to those principles which governed his conduct, were he to wave them upon any inferior consideration. It was impossible for those who felt as he did to admit any argument of expediency or plea of existing circumstances to influence their determination upon the question of the immediate abolition, an idea which, to the utmost of his power, he was resolved to enforce. But while they would do injustice to their principles to compromise this grand object, it was fair to allow their fullest force to the objections of those who dissent from the present motion in the utmost extent of its principle. His hon. friend who spoke last, had declared himself adverse to a hasty abolition of the slave trade. He was astonished at such a declaration. After a strenuous and decided opposition on the part of some, and after the conviction of many of the original enemies of the measure was effected by the powerful evidence that had been adduced, the House four years ago came to the resolution that at the present time it should cease. The House, upon the idea that it was improper to enforce a precipitate abolition had allowed this internal to prepare gradually for a conclusion. The destined period had elapsed, and during the course of it, the traffic had been carried on to a greater extent than at any former time. The question, therefore, which was then before the House, was, whether it would agree to do that at last, which it had pledged itself to the world, to perform four years before? The only argument which he felt of weight sufficient to combat, was one, which was rivetted by the force of prejudice. It was said the prejudices which had been formed by habit and custom in favour of the trade were not to be removed; hence the argument of those, who, though they were driven, from the force of conviction, to abjure the traffic of slavery, yet were brought to acquiesce in its continuance, from the idea that more practical mischief would be done from its abolition, than any advantages which could accrue from such a measure. He would insist on it, that it was dangerous to allow pretexts of one sort or another, to prolong a system which in itself, was admitted by those to whom he referred, to be indefensible. Pretexts would thus never be wanting, to prolong, from time to time, a system which merited immediate condemnation. Thus, at one time excuses were drawn from its being a time of peace, and at the present, from its being a time of war. So far from feeling such objections, he, for one, concurred with those who thought that the danger to which our West India islands stood exposed, was an additional reason for wishing that the abolition of this trade should be delayed no longer. The topics of opposition urged by his hon. friend, with him led to different conclusions. He would not minutely argue what state of the human mind was the readiest to be infected with the poison of dangerous principles. He thought, however, that it was either when it was wholly uninformed, or when it was debased by oppression; either when it was so rude, so blank and uninstructed, as to be equally incapable of the impressions of virtue, and the suggestions of mischief; or, when it was groaning under the pressure of slavery and injustice. Granting the whole force of the hon. gentleman's argument, that the newly-imported negroes were most secure against the influence of Jacobinical Principles, still it must be admitted, that

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they were open to the attempts of others to enlist them as auxiliaries in riots and insurrections. If, then, there were any danger from the uninformed minds of the newly-imported negroes being operated upon by the perverted minds of the negroes of another description, it was evident that the one and the other of these dangers were united, so long as the system of slavery was continued. But it had been argued, that the danger arising from the negroes who have been long in the islands, would be much increased, were the future importation from Africa to be stopped. But this was an opinion founded upon the argument, that the House, by adopting the decision proposed this evening, would be considered by the negroes as taking a part with them against their masters, and holding out to them encouragement to insurrection. But what was this but to confound the two distinct ideas of abolishing the slave trade on the African coast, with the emancipation of the negroes at present in the West Indies? The one point had no connexion whatever with the other. This much he could say at any rate, that the abolition of the traffic must long precede the period when the negroes were to be made free. A great change must previously be effected in their situation and upon their minds. Degraded and wretched as they now were, to declare them free would be only to confer an empty name; it could not bestow the substance. He had heard of the humanity of the planters, and what was the conclusion which this observation authorized? Could it be doubted that the planter possessed more the confidence and the attachment of the slaves born upon his estate, than of those who, torn from every tender relation, became the reluctant victims of slavery? By putting a stop to a trade which interfered with those principles by which the planter and the slave were placed in the most agreeable relations, which confounded those propensities, and disappointed the operation of those advantages which would result from them, a very important object would be gained. But so long as the importation of new Africans was permitted, new seeds of discord would be sown, and confidence, security, and the interest of the planters would be proportionably lessened. The hon. gentleman had argued that the negroes would consider the present motion as taking their cause against their masters; but this was so far from being the fact, that it would be giving to the master fresh means of attaching the negroes to his service. It was said, that the negroes were desirous of new importations of slaves, that these might enjoy the happiness which their situation bestowed. On the other hand, the negroes were described as delighted with the prospect of emancipation, and dissatisfied with the hardships to which they were exposed. Both these accounts could not be true; and, in fact, neither of them had any foundation. Upon the whole, he was so far from feeling any force in the arguments which had been adduced, in opposition to the motion, that every consideration derived from the critical state of the country, and of the islands, furnished so many additional reasons, in his opinion for adopting the measure proposed.

Sir *Richard Hill* said, that as to the time of bringing forward the motion, there could be no time improper to do what was right, and to abolish what was wrong. He only lamented that a traffic so contrary to the laws of nature, and of God, should so long have disgraced this country. He hoped, it was now going to be put a stop to, and should give his most hearty assent to the motion.

Mr. *Dent* denied that the slaves were treated with harshness. He was astonished to hear it asserted, that new importations would injure the islands by strengthening the spirit of insurrection that prevailed; for it was the speeches delivered in that House which promoted the disposition to revolt. Whilst humanity was so much talked of, he wished justice might not be overlooked. He argued against the motion upon the ground of political interest: the West Indies produced a great revenue to this country; but by the measure proposed, the House was going to deprive the planters of the means of paying that revenue. He believed that the merchants of Liverpool and elsewhere had but one wish, that the House would adopt strong measures to prevent any of the Africans from being ill-treated. The regulations already made, tended to make the middle passage thoroughly comfortable. As to giving the negroes their freedom, without the means of procuring a livelihood, that would only be giving them up to a spirit of plunder.

Mr. *W. Smith* said, that it was his anxious wish, as we valued our character

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as a nation, to abolish so infamous a traffic. He considered the arguments of the hon. gentleman who spoke last, as a trite repetition of the arguments refuted over and over again. He had asserted, that the merchants of Liverpool, &c. had no other wish than to prevent the slaves from being ill used; whereas, he could not avoid remarking, that they had not proposed a single regulation, to render the middle passage more comfortable; so far from it, they opposed every step taken, *totis viribus*, and strove to the utmost. *per fas aut nefas*, to hinder the measures then pursued. When the friends of the abolition had disclosed the secrets of the prison-houses no less than eight years ago, surely no epithets could be less properly applied than rash, hasty, and sudden. The hon. baronet had said, upon the authority of Mr. Bryan Edwards, that the committees in London had been the authors of the mischiefs in St. Domingo. For his own part, he thought that these committees had been of great service in informing the minds of the people, and in raising their abhorrence of the inhuman traffic. As to the affairs of St. Domingo, he would defy Mr. Edwards to prove that the evils which prevailed in that island were in any way connected with the committee. He wished to say nothing to the prejudice of the planters; at the same time, he could not help fearing, that before this subject was brought forward, the situation of those under their power was not so happy as it was at present. Whatever might be the natural dispositions of the planters, arbitrary power corrupted the mind, and the possession of unlimited authority easily led to its abuse. The House could not allow the claims of persons prejudiced from habit and biassed by interest, to decide upon a great question of general policy.

Mr. Serjeant *Adair* said, that as he never yet had delivered his sentiments on this subject, he could not content himself with a silent support of the motion for the abolition. The question depended upon principles so few and so simple, that details were not only superfluous, but insulting to the House. Before he mentioned these, however, he felt himself called upon to return his thanks to the hon. moved, for his zealous exertions in a cause which involved the dearest interests of mankind. He was much surprised on this, as well as on former occasions, to see so much of the time of the House consumed in debating upon, policy and expediency of what, on all hands, was deemed to be a matter of right. In matters of doubtful right, or even in cases of gratuitous benevolence, it was certainly proper to discuss the policy of the measure to be adopted. But in cases where the right was indubitable, and justice loudly calls for a decision on its side, then all the suggestions of policy should be for ever set apart. In highway robberies, the necessities of the robber were not to be sustained as an apology, for the crime: neither in the slave trade was the interest of the merchant to be sustained as an argument for persevering in the traffic. He begged the House would attend to the question upon which they were now deliberating; it was no less than this, whether it was politic and expedient to deliver a whole nation and their posterity into slavery, with whom we are not at war? He appealed to the general feeling of the House, if any motives of expediency, however powerful; if any argument of interest, however conclusive, ought to influence their decision upon such a point. Though it were proved, by the most irrefragable arguments, to be for the interest of the West India planters, that the trade should be continued, he would not give up the question of justice. He had the satisfaction of learning, however, that persons could be found voluntarily to perform the task assigned to the negroes infinitely more to the advantage of the planters. But even though this were not the case, a British House of Commons could never hesitate a moment in preferring the claims of justice to policy. They had heard a great deal about the comforts of the middle passage. But to talk of the comforts of a voyage, by which thousands of the human race, together with their posterity, were to be consigned to perpetual slavery, was a language with which he was not acquainted. He was happy in believing that the abolition of this nefarious trade would not operate to the injury of the West India planters. He did not, however, give this vote upon any such ground, but because he was so tied down by principle, that he had no right to vote otherwise. The learned serjeant concluded with observing, that to all who believed in a superintending Providence, the existence of the slave trade was of itself sufficient to account for all the calamities which had lately befallen Europe,

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and might completely justify the avenging angel, in entirely extirpating those nations from the face of the earth, who had availed themselves of their commercial eminence, to oppress and enslave such a numerous tribe of their fellow creatures.

Mr. Secretary *Dundas* said, that having solemnly, and after due consideration of this important question, given his opinion upon it on a former occasion, he had to state, that in the course of the last four years he had been confirmed in every principle which he had delivered, and in every expedient which he had held forth at the commencement of that period. With those who argued on the general principle of the slave trade as inexpedient, impolitic, and incompatible with the justice and humanity of the British constitution, he had always, and must still agree. But to those who at this time took up the question, he must say, that however laudable their motives might be, the mode which they had taken rather tended to retard the object they had in view, than to promote and accelerate it. And he firmly believed, that the hon. mover was farther from attaining his end than he was four years ago: For whatever opinions men might form upon general principles and speculative points, if they did not carry along with them the prejudices and the interests of mankind, they would certainly fail in the application of those principles. Though he had no difficulty in giving it as his opinion, that the West India planters had taken too wide a field of opposition to the measures which had been proposed, and had mistaken their interests by persevering in the trade of carrying slaves from Africa, yet he could by no means join in the high tone which the learned serjeant had assumed; a tone in which he was convinced his learned friend would not have spoken had he been aware of the full extent to which his reasoning went. He could not go so far as to brand all his ancestors, who had encouraged the trade by a long series of legislation, as impious and unjust. In justice, therefore, to the manes of his ancestors, as well as to other considerations of still greater weight, he was restrained from going the length that the opinion of the learned serjeant went. He repeated it again, however, that the motion which had been proposed that evening, would defeat its own object, and that any other mode of abolition than that by introducing gradual regulations, according to the ages of those imported from Africa, never would succeed. Even supposing, however, that not another slave was to be exported from Africa to the British West India islands, the cause of humanity would not gain in the least from such abolition; it would only throw the trade into the hands of other commercial powers, who would benefit from our mistaken benevolence, and would carry it on without any regulations whatever.—Those who differed from him in opinion exclaimed, "let us wipe away the stain of this iniquitous traffic from the national character." This might be a fine figure in rhetoric, but it certainly was not a logical argument; nor was it in fact any argument in the cause of humanity. This was not the ground, however, on which he opposed the present motion. He opposed it because he thought, were it agreed to by the House, it would endanger the peace of the country. What was the measure, he asked, which was now proposed? His learned friend disclaimed all idea of emancipation; though, when he remarked this, he could not but remind the learned serjeant, that his argument, if carried to its full extent, would go to show that the emancipation of every slave in the West Indies was a right, which in justice they might claim. Supposing it, however, only to amount to a prohibition of the trade with Africa, he contended, that such a resolution, if passed into a law in the present distracted state of the colonies, would throw them entirely into the power of the enemy. In support of this proposition, he begged the House would only tend to the nature of the war in the West Indies. On the part of this country, it was not a war for riches or local aggrandizement, but a war for security. On the part of the enemy, it was a war, not for conquest with a view to enrich themselves, but a war of devastation, in order to impoverish this country, and thus to obtain, not a direct, but an indirect superiority over their enemies. The way in which they had carried it on in order to attain this object, had been by attempts to stir up the slaves to insurrection against their masters. And the engine which they had used in this warfare, was, proclaiming liberty to the negroes, while at the same time, under pretext of espousing their cause, they exercised cruelties unheard of before, and imposed a bondage to which their newly acquired

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vassals were entire strangers. They held out, that the slaves in our colonies were in a state of barbarous oppression; and this was the mode in which they thought proper to convey their relief. Would the representatives of the people of Great Britain, in the calmness of legislative deliberation, furnish their enemies with an engine to aid their hostile purposes against this country? While Victor Hugues entered our colonies with a decree of the National Convention of France in one hand, declaring liberty to our slaves, would they put into the other an act of the British parliament with which to advance, desiring them to join their deliverers, and oppose those who had so long been their oppressors? In the present convulsed state of those islands, he thought it became the legislature to pause, especially as it might be hoped a time was fast approaching when questions of that nature might be agitated with much greater safety and effect. As this, in his opinion, was not the proper time, he should certainly oppose the present motion; not by a direct negative, but by voting for the previous question, which would not pledge the House to any opinion upon the subject. It had been urged, that the House had come to a resolution four years ago, that the trade should be abolished in 1796. But he would ask, if we were in the same situation in regard to our West India colonies that we were then, and whether the delay which was then thought necessary on account of the state of Grenada, St. Lucie, St. Vincent's, and Dominica, was not more necessary now? No man would state that the condition of Grenada was better now than it was four years ago. St. Vincent's was in a similar unfortunate situation. He trembled for the effects which the frequent discussions of this question would produce in the West India colonies, and entreated gentlemen to defer the discussion till a proper season arrived, which he trusted was not remote.

Mr. *Fox* said:—The sentiment of opposition, Sir, to this trade is one, which if it has once got possession of the breast of an honest man, it is impossible that any mode of debating or of resisting it should add to the impression which must already be made on his mind. But if it were possible that any mode of resistance to the question of abolition could have the effect of inspiring me with a greater degree of earnestness than I already feel on the subject, it is that which has been attempted by the right hon. gentleman who spoke last. I confess, that I am not a little indignant at the mode in which he has treated the subject. The honour of the House, the honour of the legislature, and a regard to the principles of the constitution, make me feel warm upon the occasion. The general subject has been this night so ably handled by the chancellor of the exchequer, whose opinion with this House is likely to have more weight than mine, that I will not venture to take from the impression of any thing he has said. I must, however, take notice of one assertion of the hon. baronet, that there were many matters cleared up with respect to the characters of the planters. The hon. baronet will give me leave to say, that it is not to those who live among slaves, that I would naturally look for examples of humanity. To the charges which have been brought of the cruel treatment of slaves, I grant there may be many honourable exceptions. But when I am desired to look for examples of the most exalted humanity and benevolence, to those men who framed the barbarous laws of Jamaica; when I am referred, as a model of mildness and mercy, to the conduct of the men concerned in carrying those laws into execution, I must hesitate a little. What, Sir, must be my feelings, when I read of laws by which men are condemned to be exposed in cages to the burning influence of the sun; and when I learn that such laws have actually been carried into effect! From the perusal of such facts I must necessarily recoil, though, upon the whole, I am not apt to believe that the planters are distinguished by any particular inhumanity in the exercise of a power, with which, I contend, no man ought to be entrusted.

I must remind gentlemen, that at present the question is not emancipation but abolition. How far the argument of the learned serjeant might go to the point of emancipation it cannot be now necessary to discuss. The question is, whether we will suffer a horrible injustice to be carried on under the sanction of our laws? The question is not one that interferes with the local jurisdiction of the colonies; it is, whether we shall exert a right, which undoubtedly we possess, to determine with respect to the continuance of a trade which depends on ourselves? The confusion in this instance has arisen from the idea, that if the abolition takes place, it must necessarily be followed by the emancipation. I hope and trust that it will;

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but this point I leave for the decision of the proper legislature, with whose province I have no wish to interfere. But we are told, that we ought not to join with the negroes against their masters. Undoubtedly it would to us be matter of greater satisfaction, if we could in this business obtain the concurrence of all the planters. But how does this argument agree with the other statement of the right hon. gentleman, that by agreeing to the abolition we shall afford an argument to Victor Hugues, who will be enabled to say, "The French convention liberates slaves, the British parliament takes no care of them; it abolishes, indeed, the traffic in slaves, but leaves to their fate those, who are already in bondage?" Indeed, I do not see how this argument can possibly apply, except I were to conceive, that the right hon. gentleman was arguing for the emancipation. I think it is not necessary to employ more than one argument with respect to the character of the House, "Did you not, four years ago, pledge yourselves at this time, to abolish the detestable traffic in human flesh?" The honourable baronet says, that the House then acted from the opinion expressed in the numerous petitions, which were received from different parts of the country. What, then, would you have it go abroad, that the House supposed it right to act from the opinion of the public, in order to ensure a little popularity, and promote their petty interests at elections, and the moment that the pressure of that opinion is withdrawn, conceive themselves to be justified in renouncing the pledge which they had solemnly adopted? And, what is the period at which you choose to hold up the House in this light?—after the passing of the two bills which have thrown difficulties in the way of expressing the public opinion. Is it at such a period you think proper to hold out that you are so much inclined to favour the cause of slavery, in opposition to truth, justice, and humanity, that though you formerly truckled to popular opinion, you now come forward in your genuine colours, and, in violation of the most solemn and deliberate pledge, announce yourselves the advocates and supporters of slavery? If any thing can add to the flagrancy of the case, it is the conduct which has been adopted by the House of Lords since this question came before them. I suppose that it is not regular in this place, to arraign the conduct of the House of Lords, and therefore I will not arraign it. But there is one ground suggested by the right hon. gentleman, on which I can, consistently with order, advert to their conduct. The right hon. gentleman said, that the House of Lords had as much right to their opinion as this House has to theirs. Now let me state a case. If, after a long and laborious investigation on a point deeply affecting the honour of the national character, and the general interests of humanity, their lordships had communicated to us the result of their deliberations, involving an issue of the most pressing urgency, and of the greatest practical importance, and had called upon us for our decision; and if we, after four years, had come to no resolution, and taken no notice of such communication, I have no hesitation to say, that in such a case we should have betrayed our trust, and have had no right to sit as a branch of the legislature. What chiefly appears extraordinary is, that the Lords should take no step at all in the business; that they should flinch from the proceeding, and abandon it, as it were, to silent contempt. Undoubtedly, every branch of the legislature has a right to expect from the others, either agreement or dissent to any measure, which it may choose to bring forward. And it is well known, that if this House takes the business to the House of Peers, as it ought, it never will experience such mortifying neglect, or such contemptuous silence. The right hon. gentleman will not deny that if a majority of this House cordially concur as to the principle of the abolition, and agree as to the necessity of carrying it into effect with the smallest delay, the House of Lords will also concur in the propriety of taking some immediate steps for the purpose. But if the House of Commons never are in earnest in the business, it is in vain that they carry their resolution to the House of Lords. That House will see through the pretext, they will second the policy, and will suppose, that by such neglect and delay, which amount, in fact, to rejection, they better comply with the wishes of the House of Commons, as to the real state of the question, than by giving it the most cordial reception, and the most diligent attention. It is necessary for the honour of the House, that this reproach should not attach. In order to vindicate the dignity of their character, and the consistency of their proceedings,

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it is incumbent upon them to show, by adopting the motion of the hon. gentleman, that if the resolution which they some years since passed for the abolition of the slave trade be rejected, it is the fault, not of the Commons, but of some other part of the legislature.

But it has been said, that if you abolish the trade, other powers will take it up. This is an argument which cannot at all affect the line of conduct which we are bound to pursue. The question is, whether you have not the power of completely abolishing it in your own colonies? Unquestionably you have, notwithstanding what has been urged, that they will still continue to be supplied from other powers. You may certainly as easily put a stop to any contraband trade of this sort, as to the trade which was formerly carried on of importing provisions from America. There is no vigour of means, or language of authority, which you ought not to employ for that object. This country ought to threaten with independence every colony which, after the interdiction of the legislature, should still persevere to carry on this infamous traffic. But it is farther said, that even if the trade were abolished by us, the interests of humanity would not be benefitted, and that it would be carried on with circumstances of still greater cruelty and oppression. Upon the same principle might we justify every crime. It might be alleged, that crimes must be committed in society, and that therefore we will anticipate the criminal purpose, in order to prevent its being perpetrated with more wanton outrage, or determined ferocity. By this reasoning the robber might defend his occupation of plunder; he might say, "It is an advantage to myself, and I exercise it with less injury to others, than more hardened or savage offenders." The same argument might be brought to extenuate the crime of murder; it might be alleged, that it was less reprehensible, because it was accompanied with fewer circumstances of excruciating torture, or persevering malice.

The right hon. gentleman treated as a figure of rhetoric, the expression, "to drive the shame of this iniquitous traffic from ourselves." A figure of rhetoric; Good God! can any appeal be more forcible and impressive, more directly practicable, more powerfully urgent? Is it nothing to drive from ourselves the shame of such a traffic, at a period too, when great revolutions have seemed, in future, to demand a more intimate connexion between politics and morals; when nations affect to hold out the principles of eternal justice, as the basis of their conduct, and to establish a character for something better than the artifices of intrigue, or the resources of their power? Is it nothing to wipe away the guilt and the stain of a traffic which the right hon. gentleman has himself admitted to be inconsistent with humanity and justice? If the House of Commons still mean to persevere in the trade, for heaven's sake let them, at least, act fairly and manfully. Let them not use a timid caution, or skulk behind the shameful negligence of others. Let them boldly and openly declare, that after they had confessed the trade to be cruel and unjust, they still mean to carry it on to an unlimited extent.

But the right hon. gentleman has alleged as a reason why we ought to give some quarter to this trade, the respect which we owe to our forefathers. We ought not, forsooth, to load their memories with all that accumulation of guilt which is charged upon this traffic, or to brand with such harsh epithets a practice which they encouraged by their example. Reverence for their characters, and regard to their manes ought to sink the consideration of injustice, and extenuate the horror of cruelty. The tendency of mankind to degeneracy has been a common topic of declamation among moralists and poets. If the complaint be well founded, we ought at least, by getting rid as much as possible of the vices of our ancestors, to endeavour to compensate for the particulars in which we fall short of their virtues. But if antiquity shall be found to sanctify injustice, and reverence for former times to diminish the detestation of cruelty—if we shall conceive it to be a point of honour to throw a gloss over the crimes of our ancestors, while we are led from a sense of duty to their manes, to copy them in our own practice, then truly the prediction of the poet will be fulfilled—

"Ætas Parentum, pejor avis tulit
Nos nequiores, mox daturos
Progeniem vitiosiorem."

It was amusing enough, however, to hear the right hon. gentleman talk of this pious veneration for the memories of our ancestors, this charitable covering for their failings, and deprecate all harshness of obloquy, and general terms of condemnation as applied to the slave trade, which

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he had himself previously admitted to be inconsistent with justice and humanity. After this admission, it might have been supposed that few epithets could have been added of more severe obloquy, or more general condemnation. The right hon. gentleman objected that the trade ought not to be abolished immediately, and instanced Grenada, which was by no means in a state ripe for the abolition, and would require for that purpose a period as long as had been granted from the date of the former resolution. That was a point which would come regularly to be discussed in the committee, and there, if it should be found expedient, the period of the abolition might be fixed for the year 1799. As to the plan of the right hon. gentleman to effect the abolition by calculations with respect to the ages of the negroes imported, I must remark, that those who think it impossible at once to abolish the trade, and yet conceive that the object may be effected by such regulations as these, strain at small difficulties, and swallow large ones. It has been stated, that it would be desirable for us to proceed with the concurrence of the gentlemen interested; experience, however, has shown that we cannot hope to obtain it. We do not pretend to legislate for them on the point of emancipation, nor ought we, so far as relates to the abolition, to suffer them to legislate for us. The question is, whether the House, by its present decision, shall show itself to have been hypocritical or honourable in its former declaration. It is even of more importance. It is whether the nation, after pretending to spend oceans of blood and millions of money, in the cause of religion, social order, and humanity, shall continue to carry on this shameful and unprincipled traffic, and by a conduct so inconsistent with its professions, so injurious to its honour, incur the charge of the vilest simulation, or the most hardened effrontery. It is surely a point of no small importance, whether, under these circumstances, the legislature shall permit (and to permit is in some cases to enjoin), the continuance of a trade, which, after a long and laborious investigation, they have pronounced to be inconsistent with humanity and justice.

But the hon. baronet has discovered a new reason why he should not agree to the abolition. He has said that we must look to an indemnity for the expense we have incurred in the prosecution of the present war. And where are we to look for it? In the West Indies. So that we shall want fresh cargoes of slaves, in order to cultivate our new territorial acquisitions, and so to render them productive as to constitute an adequate indemnity. Consequently, it turns out at last, that the reward of those crusaders in the cause of social order, justice, religion, and humanity, is to be an increased profit on the slave trade! I, for one, never can consent that the country should purchase an indemnity at such a price. Whether the motion shall succeed or not, I beg leave to express to the hon. mover my thanks for bringing it forward, and my confidence that he will never suffer the question to rest till it is finally decided. If we are influenced by any sense of duty to ourselves, by any honourable principle of action, we shall not suffer a session to pass over without bringing forward the subject for consideration. It is a subject which becomes peculiarly urgent from the situation of the West Indies. Whence arises our weakness in that quarter? Why are we so extremely vulnerable on every side? From the existence of that abominable slave trade; which is as miserably impolitic as it is odiously unjust. The motion is for leave to bring in a bill to abolish the slave trade, at a time to be limited. In the committee I certainly shall vote for the earliest day that shall be proposed. It is now about eight or nine years since the subject was first brought forward, and if the House keep their word, they cannot avoid taking some decisive step. It was matter of joy to us, when we learned, that the slave trade was to be abolished in Denmark; but when afterwards we understood that the period of the abolition was not to take place till the year 1800, our satisfaction on the occasion was converted into contempt and ridicule. At present I see no probability that the century will put an end to this shame of Great Britain. I cannot submit to sanction this infamous traffic by mere regulations; there are some things so bad, that even to regulate them, is in some measure to participate in their criminality. Let us send the bill to the House of Lords; if it is there rejected, let us send it up session after session. Satisfied with the grounds on which we have brought the measure forward, let the perseverance of our exertions correspond with the justice and humanity of our cause, and let us at least prove that we

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shall not be wanting to vindicate the honour of our character, and the consistency of our proceedings."

Mr. *Addington* said, that had he then had the honour of a seat in that House, he should have voted for the resolution of 1792, because he detested the trade, and thought it ought to be abolished, but that it should be abolished gradually. It struck him, that it might be abolished by an improvement in sir W. Dolben's bill, by making a rapid increase in the proportion of the tonnage of ships, carrying slaves, so that it might become impossible to carry on the traffic.

Mr. *Barham* said, no man was more anxious to alleviate the distresses of any condition of humanity than himself. But before he could give his consent to the motion, he must be convinced that the stale assertions respecting the sufferings of the negroes in the West India Islands were true. So far was this from being the fact, that he would affirm, that the slaves in the West Indies were better fed and cloathed, and enjoyed more of the comforts of life, than the generality of the labouring class throughout Europe. If the fact, however, were otherwise, no time could be more unhappily chosen than the present, to introduce the motion before the House. The motion, if carried, would create universal rebellion in the islands. It was a remarkable fact, in the teeth of those who pictured the miseries of the negroes in such deep colours, that none could be more averse to the abolition of slavery in the islands than the slaves themselves. If the measure was abruptly adopted, that part of our territory must be lost.

Mr. *Wilberforce* observed, that the arguments in favour of his motion had been so ably and eloquently urged, that he would not take up much of the time of the House in availing himself of the right of reply. It was impossible for him, however, to forbear touching shortly on a few topics which required some farther illustration. The papers on the table showed that the number of slaves imported into the islands during the last four or five years, was much greater than the average importation. If, therefore, it was to be considered as a benefit, that they might glut themselves with slaves, this was a benefit which they had enjoyed in a greater degree than parliament had intended. If in 1792 the ablest men in the House thought that they had slaves sufficient to keep up their population, how much more must they now have sufficient for that purpose! He would next advert to the worn-out topic, that other nations would take up the trade if we relinquished it. Since the time when it was first urged, had not the Danes announced a future abolition? Had not the French emancipated their slaves in the West India islands, and of course indirectly abolished the slave trade? Did not the Dutch seem likely to adopt the same system; and above all, had not the Americans prohibited the carrying on the slave trade for the supply of foreign nations; and had not every individual state, except perhaps Georgia, either abolished or suspended the slave trade, even for their own supply? And yet, in the face of all these facts, this argument was brought forward with as much confidence as ever. This wretched pretext he supposed would never cease to be urged, whilst there remained a single nation upon earth, by which the slave trade was carried on. Much had been said concerning the calumnies circulated against the West Indians. Every great cause would have warm and over eager adherents; but he appealed to the House, whether he had not himself uniformly abstained from every thing of that nature. But what he had always insisted on was, the various evils necessarily attendant on a state of slavery, and that degradation to which the negroes were reduced below the dignity of moral agents. "Are not the slaves," said an hon. gentleman, "well fed and sufficiently cloathed and lodged?" What then, were these the only claims of a rational being? Were the feelings of the heart nothing? Was intellectual and moral improvement nothing? Where, too, were family endearment and social intercourse, and the consciousness of independence and willing services and grateful returns, and, above all, the cultivation of knowledge, and the light of religious truth, and the hope full of immortality? So far, then, from thanking the hon. gentleman, on the part of the slaves, for his feeding and cloathing and lodging, which were talked of, he must protest against the manner in which they were mentioned, as degrading man to the level of brutes, and insulting the higher properties of our nature.—An hon. friend of his had expressed his wish, that this motion had been suspended till the termination of the war. There was something not a little provoking in the dry, calm way in which gen-

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tlemen were apt to speak of the sufferings of others. Suspended! Was the work of death suspended in Africa? Were all the miseries of that devoted country suspended? Had they not been going on as he had shown, even in an aggravated degree? He therefore could not feel himself at liberty to suspend his motion, or for a moment to delay his endeavours to rescue that much injured country from the oppression under which it groaned. What man who believed in a superintending providence, and a moral governor of the world, could dare to lend his aid, in the present circumstances of this country, to the support of a system, which, even by its advocates, was confessed to be contrary to the rights of human nature, and the laws of God? He conjured the House in an exigency like the present, not to insult the forbearance of Heaven, and practically disclaim every hope of the divine favour.

The question being put, "That the other order of the day be now read," the House divided:

Tellers.

Yeas	General Tarleton - - - Sir William Young - -	67
Noes	Mr. Ryder - - - - - Mr. Robert Smith - -	93

Leave was then given to bring in a bill for the Abolition of the Slave trade at a time to be limited.

Debate on Mr. William Smith's Resolutions respecting the Loan.] On the 15th of December 1795, Mr. William Smith moved, "That a Committee be appointed to inquire into the circumstances of the Negotiation of the late Loan." Mr. Pitt agreed to the Motion, and thanked the hon. gentleman for bringing it forward. Mr. Smith next moved, "That the said committee be a committee of the whole House." To this Mr. Pitt objected, because it would occasion a total interruption of public business. He was willing that it should be an open committee, and that all should have Voices who attended it. Mr. Sheridan disapproved of any other committee than a committee of the whole House, because it would defeat inquiry. If they were sent to scramble up stairs, a few gentlemen in the confidence of the minister might attend, though others would not; and thus they would have a partial report. The House divided: Yeas, 19; Noes, 56. It was then ordered, that the said committee be a select committee. A committee was accordingly appointed, who were to have power to send for persons, papers, and records; and all who came to the committee were to have voices. On the 19th of December it was ordered, that the committee have power to report the Evidence, as it shall appear to them, to the House.

February 9, 1796. Mr. William Smith made the following Report:

"The Select Committee, appointed to inquire into the Circumstances of the Negotiation of the late Loan; and who were impowered to report the Evidence, as it should appear to them, to the House;

"Have proceeded to inquire into the matter to them referred; and have determined to report the Evidence in the form in which it has been taken, except, that they have forborne to insert in their report the lists of the persons among whom the contractors or subscribers appear to have distributed portions of their respective shares of the Loan; because it has been represented that the disclosure of the names in those lists may, in some instances, be prejudicial to the mercantile interests of the parties; and because, on inspection of the lists, as well as from the examination of the parties, your committee see no ground to suppose, that any interference took place on the part of any persons connected with government in the distribution of any part of the Loan." [Here follows the voluminous body of Evidence taken before the said committee, a copy of which will be found in the Commons Journals, Vol. 51, pp. 310—360].

Feb. 22. The said Report being again read,

Mr. *William Smith* said, that before he came to the immediate discussion of the loan, he begged leave to offer a word or two upon the Report, which, as the House would see, was pretty voluminous, owing to the repetition of similar questions and answers relative to persons upon the list of subscribers. It might appear extraordinary to those who had formerly remarked, that he completely exonerated the chancellor of the exchequer from any charge of personal corruption, that he should enter into that examination; but to remove every kind of pejudice on that score, he assured the House that that examination

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was not instituted by him, but by another hon. gentleman then present. There was one view in which he considered the business, which would prevent him from fixing any such charge on ministers. Had it been necessary for them to have had recourse to corruption, with the power in their hands, they would not have acted so clumsily, as to have made the negotiation of a loan the instrument of their venality. They would not have had recourse to means that would subject them to exposure, when they had an establishment, whose gigantic influence surpassed all former example. With respect to the loan, nothing was more distant from his mind than to accuse ministers of corruption. But where there were such enormous profits on a loan, it must be admitted, that those who were favoured would be apt to support and abet a war, from the profits of which they derived such enormous advantages. This he begged to be considered as a general observation, as he did not wish to cast the slightest imputation on any of the contributors to the loan, among whom there were several who were incapable of being influenced by any mean or sordid motive. He mentioned however, as a most extraordinary coincidence, that among those persons who signed the requisition for the meeting at Grocers'-hall, and addressed the House in favour of the Treason and Sedition bills, a sum of not less than 800,000*l.* was divided, from which they derived a profit of not less than 90,000*l.*—To enter into the negotiation itself, every one agreed with the right hon. gentleman, that a fair and open competition ought always to be encouraged. Now it would appear, from the testimony of every person in the report, that in last autumn, a competition was invariably persisted in notwithstanding some allusions to a claim of preference addressed by Mr. Boyd to the right hon. gentleman in the month of October, and that an open competition was formally announced in November by the governor of the bank. After this, it would be natural to inquire how and why it was abandoned. It appeared to have been abandoned on the ground of a claim made by Boyd and Co. upon the right of preference, and although this right had been claimed in a short conversation between Mr. Boyd and the right hon. gengentleman in October, the right hon. gentleman was then determined to admit no claim whatever. Thus it rested till after the 23rd of November. On the 23rd of November, however, the open competition was announced, when Mr. Boyd began to be alarmed: and on the 24th he had an interview, when he stated his claim more particularly, and afterwards put it down in writing. The validity of the claim was founded on a promise of the right hon. gentleman that no other public loan for this country should be made until the period fixed for the last payment of the preceding loan should have elapsed. Now, Mr. Boyd asserted in his letter, that "this was not one of those rights of which litigious people sometimes avail themselves, for the mere purpose of giving trouble; it was a right which was founded on justice and the nature of things, recognized by constant practice and public opinion, and which he could not relinquish without evident loss." That this might appear perfectly clear, "he begged leave to state that there was at that moment still floating in the market the value of five millions of money in scrip, which remained to be converted into stock." Now, Mr. Smith said, he could show as many mistakes, in point of confusion in these passages, as there were misstatements in point of fact, notwithstanding the palpable care and pains bestowed in writing it. In the first place, it was an extraordinary assertion of the contractor to say, that his claim was a right founded in justice and the nature of things, and recognized by constant practice and public opinion. Could Mr. Boyd imagine the right hon. gentleman so ignorant of the practice of bargaining for loans, after having been so long in the habit of it? But in order to show this was the case, the contractor asserted, that there was at that moment still floating in the market the value of five millions of money in scrip, which remained to be converted into stock. Now, not to say that not one syllable of this was true, it was the most extraordinary claim he ever heard of, as would appear by the whole of Mr. Boyd's evidence.—He then recapitulated the state of the market on the 24th November, to show that instead of five millions of scrip of the preceding loan remaining, there was not more than 2,300,000*l.* upon which the greatest loss would have been 445,718*l.*, the whole of which, he contended, ought to have been given up rather than enter into a negotiation, which has been of greater loss to the public.—He observed that Mr. Boyd

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maintained a separate right from the other contributors, which he was not able to prove in any part of his evidence, and the only grounds on which he claimed it were, the risk, trouble, and duty of the original contractors. He was at a loss to find what the duty of the original contractor was, unless it was to see that the minister fulfilled his contract; and with respect to the trouble, the only trouble he knew was the selection of such of his friends, upon whom he meant to confer the favour of putting their names down to his list of subscribers, and accepting or rejecting the solicitations of other people. He found no trouble in providing this loan of eighteen millions, for the whole capital was not sufficient to meet the numerous solicitations of his friends to shower down his benefits upon them. He had the trouble, to be sure, of waiting upon the chancellor of the exchequer: but he supposed he did not think much of that, since he thereby had the power to choose how much of the contract he would keep himself, and how much he would divide among his friends, according to the advantages that were likely to arise from the bargain. As to the risk, there was only risk in one point, namely, that if the loan fell below 10 per cent. discount, the contractors would be obliged to fulfil their engagement when the contributors would be released if they had made the first payment; for Mr. Giles, the deputy-governor of the bank, being asked, "Is not all risk to the contractors from the subscribers at an end when that deposit has been paid?" replied, "Certainly not, for if the loan was to fall under 10 per cent., which is generally the amount of the first payment, the contractors would undoubtedly be responsible to the public." He had known it fall 6 per cent., but the risk was then not worth mentioning. And here, if, by any unforeseen accident, the loan should fall to such an enormous discount as would ruin the contractor and his friends, could it be imagined that the country would insist on the bargain? Certainly not. If it did, they would not be able to pay, neither if they could, was it a clear point that they could be obliged. Such was the superstructure on which Mr. Boyd built his claims to a right of preference.—He next came to the negotiation of a loan. The negotiation of a loan threw down the price of the existing funds, as soon as it was talked of. Mr. Boyd himself said, that the first payment of a new loan was commonly more than was necessary; while Mr. Giles and Mr. Mellish were both of opinion, that the knowledge that a loan to any given extent was coming into the market, affected the price of the existing funds.—He desired the House to compare, in what manner the holders of scrip were affected upon the negotiation of a new loan before the last payment of the old loan, as it applied to the answer given by Mr. Boyd. In 1794, when the chancellor of the exchequer bargained for a new loan with Mr. Boyd, he bargained for it a month previous to the last payment of Messrs. Morgan and Angerstein, who were the contractors for the preceding loan, and in December 1794, the funds were materially affected by the first payment of the new loan. Did Mr. Boyd then think such a conduct improper, and contrary to justice, to constant practice, and public opinion? Certainly not. Did the chancellor of the exchequer think it improper? Certainly not. But how contrary was the conduct of the contractors at that period to that of Mr. Boyd on the present occasion! They felt no alarm, nor did they make any objection to it; and the reason was, because they considered their loan as wound up. In the present instance we must recollect also that three parties met as competitors, and consequently the value of the existing funds must have been more depressed than if there had been but one contractor. No person would presume to deny this, nor was there any immediate pressure for the first payment; for although the terms were concluded upon the 25th of November, the subscribers were not called upon to make good their first payment till the 10th of December following; near a fortnight therefore intervened. It might be alleged that the public service wanted money; but it was evident from this that it did not press for it immediately: and thence another consideration was to be deduced—it was always customary to bargain for a loan only two or three days before the opening of the budget, and it had often happened that an interview did not take place between the chancellor of the exchequer and the contractors till the very day before that on which the budget was to open, and it had been usually the practice to require the first payment in two, three, or four days after at the farthest. Now, what was the longest period for the minister to have waited before he

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had it in his power to bargain for a new loan, conformably with his former engagement? The utmost period would have been till the 15th of January: or if he had been urgent for money, he might have come to parliament, and obtained a vote of credit. Suppose it could not have been done by a vote of credit, it might by a short loan of two or three millions.

The goodness of the terms became the next subject of consideration. Now he acknowledged that the terms were to be relatively viewed. It would often happen that the terms of a loan would be good at one time for the contractor, and at another for the public; but we had authority that the terms were fair for both, when the bonus was a little under or a little over 4 per cent. The terms when the last loan came out were 7¼ premium. It was at six before the opening of the budget, at 5½ at the first negotiation, and immediately after it rose to 6. Mr. Boyd himself stated the bonus to be 6*l.* 15*s.* 9*d.* per cent., and therefore it was not surprising that he should call it a bad bargain for the public, when the calculator made it so much above the usual rate. In every way he estimated the public loss at a very considerable sum; for by the bringing down of the king's message on the day after the opening of the budget, the right hon. gentleman caused an advance of profit upon the loan of 900,000*l.* Whether the purport of that message was foreseen on the 25th of November he could not tell, but he blamed the right hon. gentleman, because he had no occasion to have settled the terms of the loan before the 5th of December, and on that day he might possibly have ascertained whether such a message would have been brought down or not; for Mr. Smith knew to a certainty that on Monday the 7th, when the budget was opened a person in a public coffee-house informed the company that a message would be sent down to the House that day, containing his majesty's recognition of the French republic; and when he was afterwards informed that no such circumstance had happened, he seemed surprised, and attributed it to some odd accident. The next day, however, verified his declaration. If, therefore, the circumstance of the message was so public, it must evidently have been for some days before in the contemplation of ministers. He did not make any imputations of corruption, but he thought the advantages to the public might have been improved. He next touched upon the bills antedated from Hamburgh, but drawn upon unstamped paper in London on the treasury, by Mr. Boyd, jun. What degree of preference might arise from this accommodation, it was not for him to determine. Mr. Boyd had positively denied that he formed any claim to the present loan, from the accommodation he had given to government in that instance. Other gentlemen, however, who were examined as to that particular, admitted that at least in that transaction, there was nothing likely to preclude or weaken Mr. Boyd's claims. Mr. Smith then proceeded to examine the mode of concluding the bargain between the minister and Mr. Boyd. From its privacy, it was of all others the most suspicious. It involved a responsibility, which no minister, except for particular reasons, could wish to undertake; since he subjected himself to the imputation of having acted unfairly for the public, if he granted too favourable terms to the contractor; or ungenerously to the contractor if he took any undue advantage for the public at his expense.

Having gone through the detail of facts, he proceeded to draw one or two general conclusions. When he considered the amount of the late loans, the liquidation of the public debt appeared to be practically impossible. We had lately added to the mass no less a sum than forty-eight millions. If such had been the effect of so short a period of war, when we considered how much Europe had been engaged in wars since the beginning of this century, and how little prospect there was that they would in future be discontinued, any prospect of the liquidation of the immense load of public debt must appear to be altogether impracticable, or at least to be removed to an indefinite period. The expense of one year's warfare had completely undone the effect of twelve years of peace. Under such united disadvantages, he feared it might be said of the national debt with the most literal accuracy,

——"Multosque per annos,
"Multa virûm volvens durando secula vincit."

Mr. Smith next remarked upon the bad effect of loans, such as the present, on a commercial country. They held out the hope of sudden and immense gains; they induced men to forsake the sober tract of slowly productive industry for the more

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dazzling prospects of monied speculation. He mentioned, that some years since, when he was in Holland, several mercantile men had complained to him of the decline of their commerce, in consequence of the persons who had large capitals having taken their property out of trade, and turned their attention to speculations in money. Such speculations tended to enrich individuals, but to impoverish the country. They threw the small, profits of the many into the pockets of the few; those who had once tasted the sweets of such transactions, were afterwards but little inclined to engage in the pursuits of commerce. They thought only how they might still more improve the money they had gained in that way, by continuing to employ it in the same channel. He should now move a string of resolutions of fact arising out of the Report. As they were very numerous and not very short, he would have them now read, and then leave it to the discretion of the House, whether they should immediately proceed to the discussion, or allow them first to be printed, and appoint a future day for their consideration. Mr. Smith then read the Resolutions, which are as follow:

1. "That it apears to this House, that the principle of making Loans for the public service by free and open competition, uniformly professed by the chancellor of the exchequer, has been very generally recognized, as affording the fairest prospect of public advantage.

2. "That in all the communications relative to the formation of the late loan, which passed between the chancellor of the exchequer and the governor of the Bank of England, or any of the parties concerned, previous to the 24th of November last, the chancellor of the exchequer did invariably profess a resolution to adhere strictly to the principle of free and open competition.

3. "That on the 25th of November, 1795, the day appointed by the chancellor of the exchequer for a meeting of the several competitors for the loan, to settle the preliminaries thereof, and when they were all assembled, the chancellor of the exchequer, after a separate conference with Messrs. Boyd and his party, did propose to the other competitors, viz. Mellish and Morgan, to bid for the loan, 'on condition that an option should be 'reserved to Boyd and his party, of taking 'the loan at such a price as should be equal 'in value to one half per cent., on the whole 'sum borrowed, above the highest offer of the 'competitors.'

4. "That the said Mellish and Morgan, having refused to become competitors on a condition, to which they deemed it almost impossible to submit, the chancellor of the exchequer did, immediately after, without proposing any other terms, agree for the loan with Boyd and his party, although it was understood, by all the parties, that they were not to come to a final settlement on that day.

5. "That, by giving this preference to Boyd and his party, the chancellor of the exchequer did totally depart from the principle of free and open competition, after having, by a communication through the governor of the bank, only two days preceding, expressly invited persons to bid on that principle, and who had also previously made preparations for that purpose.

6. "That the preference, so given to Boyd and his party, was claimed by them on the foundation of a supposed fact in the settlement of the preceding loan for the service of the year 1795, between the chancellor of the exchequer and the said Boyd and his party; namely, that 'the contract was entered into 'under the condition, that no other public 'loan for this country should be made, until 'the period fixed for the last payment of the 'loan then contracted for should have 'elapsed;' and on the allegation, that the negociation of a new loan at that time would be injurious to the said Boyd and his party.

7. "That it appears to this House, not only that the said Boyd has not any where contended or affirmed, that the preceding condition was ever expressed in specific terms, or reduced to any form; but that the contrary is implied in the arguments made use of by him in support of his claim, 'viz. that it was 'a right, which was founded in justice and 'the nature of things, recognized by constant 'practice and public opinion.'

8. "That it does not appear to this House, that the chancellor of the exchequer has any where admitted the reality of such engagement or condition, having been made by him with the said Boyd and his party, but, on the contrary, that he did state to the parties assembled at his House on the 25th of November, 'that the circumstances had come 'but recently to his knowledge,' and that he did not admit any obligation to exist, although the said Boyd contends that his right was not only founded in justice and the nature of things, but recognized by constant practice and public opinion.

9. "That it appears to this House, that no such condition is, in fact, either expressed or implied, in any of the papers laid before this House, in which the particulars of the contract for the said loan appear to have been fully adjusted and settled between the contracting parties.

10. "That it appears to this House, that such a restriction is introduced into the memorandum of the contract for the loan for the service of the present year; and that no precedent is any where alleged for the introduction of a stipulation so new, and of which the consequences may be extremely important.

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11. "That in the month of October 1795, the said Walter Boyd, esq., did state to the chancellor of the exchequer the right of the contractors to object to the negotiation of a new loan; that the chancellor of the exchequer did, on that occasion, say, that he would send for their party (viz. that of Boyd and Robarts) to hear what they had to say, before any competition should take place; but, that he seemed positively determined not to admit of their claim.

12. "That the said Boyd, in his addresses to the chancellor of the exchequer, on the subject of his supposed right to a preference over the other competitors supported that right by arguments drawn from his situation as a holder of scrip of the preceding loan and from the injury which he and the other contractors for that loan must inevitably suffer, as holders of that scrip, by the introduction of eighteen millions more into the market, while a large portion of the last year's scrip was still in hand; and that it does not appear that the said Boyd did ever allege, or pretend, to the chancellor of the exchequer, that he had an unalienable inherent right to a preference for the loan then depending, which belonged to him exclusively, as a contractor for the preceding loan, though he should have disposed of the whole of his share therein.

13. "That it appears to this House, that it is, generally, to the negotiation of a new loan before a certain period, to which the said Walter Boyd objects in all his communications with the chancellor of the exchequer; and that the principle of his objection to such negotiation applies equally, whether the deposit on such loan be appointed to take place shortly before or after the last payment on the preceding loan.

14. "That it appears to this House, that the value of the existing funds is affected in a far greater degree by the negotiation for a new loan, and the settlement of the terms thereof, than by the making the deposit on such loan after it is settled.

15. "That it appears to this House, that before all the payments were made on the loan for the service of the year 1794, the chancellor of the exchequer did negociate a new loan with the said Boyd and his party for the year 1795; and that, although considerable sums of the loan for 1794 were then outstanding as floating scrip, though the funds were considerably affected by the transaction, and though the deposit was expected to be speedily called for, yet neither James Morgan, esq. nor any other of the contributors to the former loan either objected to the negotiation, or made any complaint on account of it.

16. "That it appears to this House, that, waiving all consideration of the interests of the contracting parties, cases may arise in which it might be highly prejudicial to the public service, if the chancellor of the exchequer should be precluded from entering into a negotiation for a new loan, or from fixing the deposit to be made on such loan on some day previous to the last payment on the preceding one.

17. "That it appears to this House, that, of the 24,076,500*l.* of additional capital, created by the loan for the service of the year 1795, there remained, on the 24th of November last, only 1,962,532*l.* of floating scrip; that is, which had not been converted into stock by the full payments having been made thereon.

18. "That it appears to this House, that of the loan raised in the year 1795, for the service of the Emperor, and guaranteed by his majesty, there remained, as floating scrip, on the 24th day of November last, the sum of 1,393,734*l.*; and that, therefore, even if the existence of the said Austrian scrip be allowed to create any impediment to the negotiation of a new loan, for the service of Great Britain (as seems to be asserted by the said Walter Boyd) yet the total amount of floating scrip on the 24th of November last, did not exceed 3,356,296*l.*

19. "That it does not appear to this House, that the house of Messrs. Boyd and Co. were possessed of more than 500,000*l.* of the said floating scrip.

20. "That it does not appear to this House, that the said Walter Boyd took any steps to ascertain who were the holders of the said floating scrip at the time of the negotiation of the present loan, or to procure for them any indemnification for the injury which they might possibly suffer from the introduction of so large an additional quantity as 25,385,250*l.* of new capital into the market.

21. "That it appears to this House, that of the 18 millions sterling subscribed for the service of the year 1795, no more than 445,718*l.* remained unpaid on the 24th of November last.

22. "That it appears to this House to have been a matter of public notoriety, for some weeks previous to the 25th of November last, that Messrs. Mellish and Mr. James Morgan were making preparations to be competitors for the loan to be negociated for the service of the year 1796.

23. "That it appears to this House, that, under the circumstances of this notoriety, and notwithstanding his own engagement to Messrs. Boyd and Co. the chancellor of the exchequer did, even on the 23d of November, formally authorize the governor of the bank to announce to all the parties concerned, that the loan would certainly be disposed of by competition, without having sent for the party of Messrs. Boyd and Co. to discuss their claim.

24. "That it appears to this House, that the chancellor of the exchequer did not, in fact, ever send for the said Boyd and Co.; that the discussion of their claim with him did not take place at all, but on their own repeated application, and then not till the very

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day before the competitors were to meet; and that till they were actually met, the parties of Morgan and Mellish were not apprized of any doubt existing in the mind of the chancellor of the exchequer on the admissibility of competition.

25. "That it appears to this House, that Messrs. Boyd and his party were very willing to leave the terms of the loan to be fixed by the chancellor of the exchequer, who did fix them accordingly.

26. "That it appears to this House, that the contractors for the loan of 1795 could not suffer any pecuniary loss by the introduction of a new loan before all the payments on the preceding loan were completed, otherwise than as holders of scrip, or shares therein; and that, on that principle, all the contributors to the loan of 1795 had as good a claim as the contractors to a preference for the succeeding loan, in proportion to the amount of the shares in the loan of 1795 then held by them respectively.

27. "That it appears to this House, that Mr. James Morgan, one of the persons intending to be competitors for the late loan, has given in evidence to the committee, that he would have offered, on the 25th of November, to have taken the said loan on the following terms: 120*l.* 3 per cent. consolidated annuities 25*l.* 3 per cent reduced, and 3*s.* 6*d.* per annum of long annuity, for every 100*l.* subscribed, being a difference of 3*s.* per annum long annuity, or 499,500*l.* more advantageous to the public, than the terms made by the chancellor of the exchequer to the party of Boyd and Co.

28. "That it appears to this House, that the loan so finally and unexpectedly settled, on the said 25th of November, was not submitted to the consideration of this House until the 7th of December; and that the deposit was not required from the contributors until the 10th of December.

29. "That it appears to this House, that this interval of twelve days, between the settlement of the terms of the loan and the submitting it to the consideration of this House, very greatly exceeds any that has been known on such occasions; and that no advantage is likely to accrue to the public from an interval of such unprecedented length.

30. "That it appears to this House, that his majesty's gracious Message, containing a communication, that his majesty would be 'induced to meet any disposition for a negotiation, on the part of the enemy, with an 'earnest desire to give it the fullest and speediest effect,' was delivered to this House on Tuesday the 8th of December; and that in consequence of the intimation contained in the message, the value of the loan suddenly rose above 5 per cent., creating by that operation only, an additional profit on the whole loan of more than 900,000*l.* sterling.

31. "That it appears to this House that, if the settlement of the loan had been deferred (as had been usual on former occasions) until a day or two before it was submitted to the consideration of this House, some communication to the parties of the probability of a message from his majesty, similar to that which was delivered, might have preceded the settlement; and that the public might then have had the full benefit of that advance in the public funds, which it was impossible not to foresee that such a message would produce, and which, in the present instance, actually amounted to a sum exceeding 900,000*l* on the loan so recently contracted for.

32. "That it appears to this House, that the sum of 649,000*l.* of the 4 per cent. annuities, created in the year 1795, was in pledge at the Bank on the 24th of November last.

33. "That it appears to this House, that on the 3rd of November 1795, the commissioners appointed for the liquidating the national debt, did, for the first time, begin to purchase in the 4 per cent. consolidafed annuities.

34. "That it appears to this House, that, immediately on the purchases by the said commissioners being made in the 4 per cent. annuities, a very considerable advance took place in the price of the said annuities, the 3 per cent. annuities not rising in equal proportion.

35. "That it appears to this House, that, on the application of some of the parties concerned in the negotiation for the present loan, through the medium of the governor of the Bank, the chancellor of the exchequer did agree, that the whole of the new capital should be created in the 3 per cent. consolidated and reduced annuities, with a very small proportion of long annuities, to the total exclusion of the 4 per cents. and contrary to the general practice on former occasions, when sums of considerable magnitude have been raised.

36. "That it appears to this House, that, in the month of September, 1795, the said Walter Boyd did, at the request of the chancellor of the exchequer, undertake to advance money for the use of government to the amount of one million, for which he was to reimburse himself by bills to be drawn upon the lords commissioners of the treasury, to be accepted by them, and negociated at his own convenience; and that bills to the amount of 700,000*l.* were drawn in London on the commissioners of the treasury, in the name of Walter Boyd junior, bearing a fictitious date, at Hamburgh, several weeks preceding the time at which, with the privity of the chancellor of the exchequer, they were really drawn in London; and that the said Walter Boyd, junr. is a gentleman not engaged in any house of business in Hamburgh.

37. "That it appears to this House, that, the said bills, though drawn in London, yet professing to be foreign, and not written on stamped paper, were of such a nature and description as the Bank of England would have refused to discount for any commercial house whatever, and such as it would have been in-

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jurious to the credit of any private house to have negociated.

38. "That it appears to this House, that the said Walter Boyd, esq. has declared that no part of his right to a preference, as a contractor for the new loan, was grounded on the transaction of the bills dated at Hamburgh, and circulated by him for the service of government; that he never had any expectation of that sort; and that he took no merit at all to himself in having consented to that operation.

39. "That it appears to this House, that no such declarations on the part of a contractor, palpably preferred, and immoderately benefited, by the gift of a loan of 18 millions sterling, on such terms, and accompanied with such arrangements, as to create a profit of 12 per cent. or 2,160,000*l.*, before the first payment became due, can acquit thechancellor of the exchequer of having departed from the principle of free and open competition in favour of Walter Boyd, esq. in a manner incompatible with the interest of the public.

40. "That it appears to this House, that, in every part of the transaction of the late loan, the public interest has been sacrificed by the chancellor of the exchequer; and that the profits to the contributors, at the expense of the nation, have been so exorbitantly swelled, as to have risen, even before the deposit was made thereon, to an amount greatly exceeding the deposit itself, viz. on a loan of 18 millions to the enormous and incredible sum of 2,160,000*l.* sterling."

The question being put upon the first Resolution, the debate thereon was, with the approbation of both sides of the House, adjourned to the 26th.

Feb. 26th. The House having resumed the adjourned debate on the first Resolution, viz., "That it appears to this House, that the principle of making Loans for the public service by free and open competition, uniformly professed by the chancellor of the exchequer, has been very generally recognized, as affording the fairest prospect of public advantage."

Mr. *Sylvester Douglas* hoped he had no occasion to make any apology for rising to express his sentiments on the present motion, as he had the honour to be named on the Select Committee, and had attended it regularly, and spared no pains in the diligent investigation of the subject concerning which the House had thought fit to direct an inquiry. At the close of that inquiry, it was a great satisfaction to him to find that there was an unanimous concurrence of opinion between himself and all his colleagues of the committee who had thought proper to be present on that day, "That on inspection of the lists, as well as from the examination of the parties, the committee saw no ground to suppose, that any interference took place on the part of any persons connected with government in the distribution of any part of the loan." He must also do the hon. gentleman who was chairman of the committee, and who had submitted that forty-fold system of resolutions to the House, of which the subject of the present motion formed the first, the justice to say, that he had been uniform in professing a sincere belief that nothing of undue, corrupt, or culpable motives had operated on the chancellor of the exchequer in the transaction of the loan, and that the highest degree of blame he had ever thought imputable to him was that of improvidence. The hon. gentleman professed that he had not the slightest suspicion that the loan had been employed by government as the instrument of corruption; yet in his very outset the other night, he thought fit to remark, what he was pleased to call, a most extraordinary coincidence, between the names of the gentlemen in the list of subscribers to the loan delivered to the Bank, and of those who attended the meeting of merchants, &c. held at Grocers'-hall where the measure of the two bills for the safety of his majesty's person, and against seditious meetings, was approved of. A minister, he said, would not in these days, be so weak or clumsy as to attempt the direct bribery of members of this House, by the distribution among them of paltry portions of scrip, but that it might be a stroke of refined and effectual corruption, to purchase the sanction of the great monied interest of the metropolis to his measures, especially during a war, by large allotments of the profit of a bargain, profuse in regard to the state in proportion as it was advantageous to them. Did the hon. gentleman really expect that the House would suppose him idle and absurd enough to occupy their time with stating these things, merely to point out a curious and accidental coincidence of circumstances totally unconnected and independent; or would it be doing justice to his understanding, not to conclude, whatever colour he might use, that he meant to imply that the loan was the cause, and the vote at Grocers'-hall the effect? Neither were his resolutions, and especially the two last, left inconsistent with his uniform professions concerning the chan-

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cellor of the exchequer. He tells us, that he never thought that any thing beyond the mere peccadillo of improvidence is imputable to that right hon. gentleman, and he concludes the resolution which he desires the House to adopt, by pronouncing, that the public agent, the depository of the national faith and honour, the trustee and guardian of its financial concerns, "had, in every part of the transaction of the late loan, sacrificed the public interest, in favour of a contractor palpably preferred, and immoderately benefitted, by the gift of a loan of 18 millions, on such terms, and accompanied with such arrangements, as to create a profit of 2,160,000*l*." What a mockery must it appear to this House, to find such a proposition prefaced by such professions, and how vain must be the hon. gentleman's hope, if he thinks he can, in such a manner, "lenitate verbi rei acerbitatem mitigare."

Sir, although only the first resolution is before the House, yet, as they have all been opened, stated, and printed, and form one chain of assertion, argument, or insinuation, leading to the conclusions in the two last, I hope I may take the liberty to answer them all together, and I shall begin by declaring, that I think every one of the hon. gentleman's 39 articles, [this being supposed to allude to Mr. Smith's religious persuasion as a Dissenter, produced a general laugh], which were framed for the sake of establishing the 40th, is either founded in misapprehension, suppression, partial statement, or perversion of the evidence contained in the Report, and mixed up with so much false argument, unfounded insinuation, and misapplication of principles, and, above all, so obviously offered to the House as the ground-work of a most unjust, and therefore, under the circumstances, a most dangerous accusation of one of its members, that I find it my duty to object to all of them, and to state, beforehand, that before I sit down, I shall move such an amendment on the first, as I think necessarily called for, in order at once to assert the principle contained in it, as now worded, and to vindicate the chancellor of the exchequer's departure from that principle in the present instance: and, if the House shall concur in this amendment, I shall propose to them to dispose of the 37 next resolutions by the previous question, and of the two last by a direct negative, in order to substitute, in their room, two others, expressive of that justification and approbation of the chancellor of the exchequer's conduct, which the unwarranted attack upon it has, in my mind, rendered necessary, both for his sake, and that of the public.

The general heads on which the contract for the loan has been arraigned are, I think, as follows: That the chancellor of the exchequer has, by concluding with Messrs. Boyd and Co., done a manifest and voluntary injury to other respectable individuals; to Mr. Morgan and his friends who have complained, and to Messrs. Mellish, who have not complained. That this injury has arisen by his departing unnecessarily from his own favourite principle of competition. That he affected to yield to groundless and idle claims of preference by Messrs. Boyd. That, in truth, he gave that preference as the reward for a great service rendered to him, as chancellor of the exchequer, by a large advance of money, under circumstances extremely censurable. That the terms of the loan were, in themselves, grossly advantageous to the contractor, and injurious to the public, and were entered into at a time when there were other persons ready to have taken it at a much smaller profit. That the chancellor of the exchequer contrived to sink the value of the 3 per cent funds, by an unusual operation of the commissioners for the reduction of the national debt, and then gave nothing but 3 per cents for the loan (except 6*s*. 6*d*. long annuity), which was, in truth, a scheme to enhance the value of the loan to the contractor, at the expense of the public. That he postponed the delivery of the king's message concerning peace till after the bargain was concluded, and thereby occasioned an enormous advance in the funds, "which it was impossible not to foresee"—an advance whereof the public must have had the benefit, if the message had been delivered on an earlier, or the bargain concluded on a later day and at a time nearer to that on which the budget was opened, agreeably to general practice. From all these heads of charge the hon. member infers, what his speeches call "improvidence," and his resolutions translate "a sacrifice of the public interest" in order to benefit a favoured contractor and his friends, to the amount of 2,160,000*l*. out of the public pocket, and what other gentlemen have stated as such palpable corruption as must clearly appear, if the lists of the contractors, and

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the subordinate lists of the sharers in the loan, should be produced. The hon. chairman, indeed, has always declared, that, in his view of the subject, the production of the lists was unnecessary and useless; but other members, as eager for the inquiry as himself, have expressed themselves very differently, and have rendered, as far as it could be obtained, such production absolutely necessary, either for the exculpation, or detection, of the persons charged as the agents in the corrupt distribution, and who, it was hinted, might be found by looking round the chancellor of the exchequer in this House.

I proceed to consider, first, the supposed injury done to Mr. Morgan. That gentleman had been treated in all the previous debates as the principal *dramatis persona*. His evidence was first called for in the committee; and occupied much more of our time than any of the other examinations. The *gravamen* of which he complains is, that, on the faith not only of the general knowledge of the chancellor of the exchequer's adoption of the principle of competition, but also in consequence of direct communications from him, through the governor of the bank, by which he declared his intention that there should be an open competition in the present instance, he (Mr. Morgan) had determined to become a bidder, had opened a list, and had induced a number of persons to the amount of about 400, either to advance large sums of money to him, or to keep their cash unemployed at their bankers, in order to be prepared to make the usual deposit, in case he should be the successful competitor; and that not till the 25th November, the day when the different competitors, consisting of three parties, himself, Messrs. Mellish, and Mr. Boyd's party, went by appointment to Downing-street, to hear the usual preliminaries stated, he learned that the rule of competition was to be abandoned, and a preference given to Mr. Boyd; that this measure of the chancellor of the exchequer had occasioned a great injury to him and his subscribers, as they had not made any provision for the re-investment of the money which they had necessarily called in to make the usual deposit, and such payments as might be fixed for an early period. Such is Mr. Morgan's complaint, and that of a number of his subscribers, as set forth in their petition to this House. And I must here observe, that if the case had been as stated, and the chancellor of the exchequer had, from sound reasons of public advantage, departed from a positive engagement with individuals, the consequence would have been only, that they would have been entitled to have received a compensation from the public, adequate to the injury they could have shown themselves to have sustained. The most positive engagement cannot be more inviolable than the right to the exclusive enjoyment of private property; yet it is often both wise and just in the legislature, to possess itself of such property, when the public good requires it, without the consent of the owner; compensation, in such case, being all that he can fairly claim or expect. The prayer, therefore, of the petition of Mr. Morgan's subscribers, that the bargain with Mr. Boyd should not be sanctioned, because of the injury they supposed themselves to have sustained, was absurd.

But what is Mr. Morgan's evidence on this subject? I will read it from the report. "On Friday, the 23rd of October, I understood from a conversation with Mr. Godschal Johnson, that it was his opinion Mr. Boyd would have the loan. In consequence of this, I told him I had no intention of forming a list, nor had made any kind of arrangement." After this he states himself to have fluctuated in his intention, and in his conjectures, concerning the preference that might be given to Boyd. On the 26th of that month, he saw the governor of the bank, and also on the 27th and 28th. On each of those days he stated, on the one hand, the general rumour concerning Boyd, and on the other, the fact that Messrs. Mellish were forming a list, which seemed to contradict the idea of a preference to Boyd, and also that he himself had been much applied to to open a list. The governor of the bank, he says, told him, on all these three days, that the chancellor of the exchequer had always said "competition," whenever he had spoken to him on the subject; but that still he (the governor) had great doubts on his mind—"there was a something, he did not explain that something, that Mr. Boyd and his party seemed to be confident." On the 27th, he told the governor of the bank he should make up his mind positively by the next day. On the next day, the governor expressed, in a very strong manner, his doubts—and that the loan would go to Mr. Boyd, and he (Mr. Morgan) would be disappointed. "There was

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something or another—he never mentioned what, that would be brought forward to prevent its going to a competition." This is taken from the narrative which he at first stated to the committee, and which was afterwards deliberately read over to him, that he might correct any mistakes he or the clerk, in taking it down, might have fallen into. On the question, however, whether, on that very 28th of October, the governor alluded to any other motive as operating with the chancellor of the exchequer, exclusive of the last payment on the preceding loan not having been completed, he answers, "beyond all doubt whatever, and that was no part of it; particularly it was stated by the governor of the bank to me, that there had been an important money negotiation, amounting to 900,000*l.*, in which it was understood that Mr. Boyd had greatly assisted the chancellor of the exchequer, and that on that ground Mr. Boyd would have the loan. This was stated not once, but repeatedly." Here, Sir, the House will perceive a strange contrariety between Mr. Morgan's narrative and his answers, on which I wish to make no harsher remark, than that he appears to be of so feeble and incoherent a memory, that little reliance can be had on his testimony, in the investigation of the facts in question. But let us see the opinion he ultimately formed on the subject of the supposed exclusive preference, and the resolution he came to with regard to his own list. "I had private intimations, confidential ones, that I could rely on, that Mr. Boyd's party were constantly assured of having the loan. The result of the several conversations with the governor of the bank, was an impression on my mind, that certainly and positively there would be no competition. From the 26th of October, when I first had the communication with the governor of the bank, until the 23rd of November, I never had an abatement of that impression." Here is therefore a positive conviction, that no competition was to be expected, and, of course, that all preparation by Mr. Morgan would be idleness and folly. How extraordinary must his conduct appear after this, when he tells us, that he determined, on the 28th of October—not to relinquish all idea of becoming a bidder—no—to make a list, which he opened publicly on the 29th. This is Mr. Morgan's own history of his own opinion, and of his own conduct; and, if it is to be credited, what injury has been done to him? If we are to credit his recollection, in opposition to that of the governor of the bank, he was warned by that gentleman "that he would be tricked," to which, he says, he replied, "that he should do his utmost to be well prepared for competition, and, if he was precluded, it should not be his fault." With a clear persuasion that it was determined to preclude him, what possible motives can we assign for his preparation, or what effect could he possibly expect from it, except a pretext or clamour and complaint against government and a petition for redress to the House of Commons? But if he was not, were his subscribers injured? If he did not communicate to them his conviction, or the grounds of it, and they were not otherwise apprized of them, they were. But by whom? Not by the chancellor of the exchequer—he had no communication with them—Most assuredly by their principal, Mr. Morgan. He inscribed their names in his list, encouraged their preparations, received 5 per cent. on the supposed amount of the loan from some of them—"and yet there were undoubtedly abundance of them, to whom he made no communication of the impression on his mind, that there would be no competition. 'To some,' says he, 'it is very likely I 'did communicate it, but in general, I ob-'served as a rule, to say but little to any 'body, but to hear all from every body.'" That he did not communicate his impression to his principal subscribers, or even betray to them any thing like a doubt of intended competition, is confirmed by the remarkable testimony of the governor of the bank on this part of the case; who tells us, he was more on Morgan's, than on either of the other lists. We collect from him, that as he had never declared any opinion of his to Mr. Morgan, purporting that Mr. Boyd would have the preference on account of the money negotiation, so Mr. Morgan not only never expressed to him that such was his own opinion, but so treated the subject of the loan in their conversations upon it, that he thought, to the last, that Mr. Morgan never suspected that Mr. Boyd would have a preference at all. "I believe," says he, "he always thought it would be by competition." Let us now, on the other hand, suppose, that the belief, of no competition and of preference to Mr. Boyd, was as strongly impressed

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on the minds of Mr. Morgan's subscribers as on his own. This he strongly insinuates. "I did hear generally from all persons that that idea was understood." In that case they are as little injured as himself; and have nobody but themselves to blame, if, from want of reflection, or other causes, they really acted as if that had been to happen, the contrary of which they believed to have been determined upon. But, in truth, I must be permitted to say, that I cannot believe Mr. Morgan's account of his own conduct on this subject.

I will now proceed to examine the circumstances and nature of Mr. Boyd's claims, as they appear from the Report. In the month of October Mr. Boyd, who, with his party (as it is called, had contracted for the loan of the former year, says, he first heard, that a new loan for the service of this year, was in contemplation; and that, about that time, he stated to the chancellor of the exchequer. the right which he thought belonged to the contractors (not the subscribers), to object to the negotiation of the new loan. But he adds, that he did not state it, by any means, so fully, as in the conversation on the 24th of November; and in the joint letter from himself and Mr. Robarts of that date. Even in that conversation of the 24th of November, Mr. Boyd does not seem to have rested on any strong ground or recollection of positive engagement; for, when the chancellor of the exchequer mentioned that he did not recollect any such engagement, Mr. Boyd appears to have answered, that he understood the engagement to have been "either positive or implied." We may therefore presume, that, in what passed between them, he chiefly founded himself on the arguments which he thought arose out of the nature of the thing; and on that occasion he tells us, that the chancellor of the exchequer seemed "positively determined not to admit of the claim." From thence, till the 23d of November, he thinks he may positively affirm, that he had no farther communication with the chancellor of the exchequer on the subject.—This account corresponds both with that which has repeatedly been given in this House, and with the testimony of the governor of the bank, as well as with the whole conduct of the chancellor of the exchequer. For it is clear, that he acted up till the 24th of November, as he could not have done upon any intelligible and applicable principle, if he had not really intended an open competition. It is clear he had no recollection of any thing which could bear the construction of an actual engagement to Boyd's party; and that, from the manner in which their argumentative claim had been cursorily urged to him he did not thing himself obliged, and did not mean, to act upon it. Is it possible, if the case were otherwise, that on the 23rd of November, he would have commissioned the governor of the bank to tell the three parties, that an open competition was intended? What possible advantage could he have expected from such a declaration, if it had not been sincere? In October, however, he had thought it due to Mr. Boyd's party, to tell them, that he would send to them before any competition should take place, to hear what they had to say. With the impression he had of the inadmissibility of their claim, amidst the great variety of important occupations, in which, during the interval he was necessarily engaged, would it be extraordinary to find, that he did not fully recollect, or at least not fulfil this promise, till he was reminded of it by Mr. Boyd's letter of the 23d of the next month? Could he possibly have foreseen the trouble and inconvenience which have arisen to himself and this House, from his not having taken an earlier opportunity of discussing their pretensions, undoubtedly, it is to be supposed, he would have sent to them sooner. But what difference that could have made to the public, or in the terms on which the loan was negociated, it is impossible to discover. If he had taken that course, and had referred to the governor of the bank, who had been present at the bargain for the preceding year, it appears, by the testimony of that gentleman, when he did refer to him, that he would have been reminded of a circumstance, which does seem to have amounted, in the governor's opinion, to something very like a direct engagement. For, in the conference between the governor, the deputy-governor, and chancellor of the exchequer, on the 25th of November,—the chancellor of the exchequer having asked the governor, if he recollected, whether at the meeting for the preceding loan, he had committed himself to any promise, conformable to Mr. Boyd's claim, the answer was, "He thought Mr. Pitt had in some measure committed himself to such a promise, for that, on adjusting the days of payment for the then loan, one of

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the contracting parties had wished to have the last payment in February 1796, instead of January, but was answered by Mr. Pitt, that he could not assent to that, as he might possibly want to raise a new loan in January." Thus it seems manifest that the governor of the bank had a clearer recollection of what had passed on that former occasion, than the chancellor of the exchequer, or even Mr. Boyd himself. Accordingly, he tells us, that he always did suppose or suspect that Mr. Boyd would, or might, have a preference, and that he had said in private confidential conversation, that he had such suspicions. But he declares, that he never in his life, to his knowledge or recollection, told Mr. Morgan that he "thought he would be tricked," nor used words to that effect; if ever he did use such a word, "it certainly was in a joking way." "The grounds of my suspicions were," says he, "that I conceived Mr. Boyd's party, in point of good faith, had a claim to some preference, from the conditions stipulated at the making of the preceding loan having been departed from; and I thought them too sagacious to omit availing themselves of that circumstance." He did not, however, mention that reason to Morgan, he thinks, not to any body; and he does not recollect that he stated any other reason to him. "I had no other reason. I certainly did not state to him, that there had been a money transaction, in the course of the summer, to the amount of 900,000*l.*, in which Messrs. Boyd had accommodated vernment." The House will no doubt, compare this account, with that of Mr. Morgan, who tells us, that the governor mentioned to him, both the one circumstance and the other, and that he treated the money negotiation as the ground of the preference, and the other matter, "neither as a pledge or contract on the part of the chancellor of the exchequer, nor as of any weight to give Mr. Boyd a claim of preference."

But it is said that Mr. Boyd's claim, when it did come fully before the chancellor of the exchequer, was neither bottomed in positive nor implied engagement, nor in the reason of the thing; that Mr. Boyd's arguments drawn from the situation of the contractors, and from practice and public opinion, were frivolous and unsustainable; that he has shifted his grounds on the subject, and is refuted by the testimony of others delivered in the committee. As to the fact we have it from the direct evidence of the governor of the bank; and what he tells us concerning the conversation on the occasion of the former loan, proves two things; first, that he considered what passed as amounting to a promise of which Mr. Boyd would be entitled to avail himself; secondly, that, at the time, the chancellor of the exchequer, a person of great practice and experience in such matters, did, when the subject was fully present to his mind, feel the incompatibility of an open competition for one loan, to commence before the winding up of the former with the purchased rights of the contractors for the former. In my view of the matter, this is no immaterial circumstance. The chancellor of the exchequer could, at that time have no bias on his mind, as to this point; and yet, he immediately felt, that if a second loan began to be paid before the ultimate payment on the first, it would be an injury to the rights of the former contractors. We have, then, the ideas of the governor of the bank and the chancellor of the exchequer, on this point; this seems a pretty strong justification of Mr. Boyd's assertion, as to general opinion; and you will find throughout the governor of the bank's examination, that he always continued strongly impressed with the same sentiment.

But it is said, that Mr. Boyd has pretended to set up a custom on this subject, and that he not only could not produce a single instance in support of such a custom but that the only known instance is against it. Mr. Boyd does not use the word "custom," which gentlemen seemed disposed to substitute for practice, which is the word he does use; and his assertion is not that there has been a constant practice, when a new loan is brought forward before the conclusion of the former to give a preference to the former contractors; but that he and his party, as the former contractors, had a right from constant practice, to say, "There must be no new loan until the period assigned us for the sale of our scrip shall expire," viz. the 15th January. Now, the constant practice turns out to be exactly conformable to this assertion. As to the practice, the evidence of the governor of the bank is decisive. He expressly told us, that Mr. Newland had searched in the books of the bank, and could find no instance whatever, since its establishment, when a new loan was made, and the receipts came out, before all the payments were made on the former. In

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like manner, Mr. Newland himself says, "It is understood, that an old loan shall be finished, before a new one takes place, and therefore, if the first payment on the new one were to precede the last on the former, the contractors for the former would have just cause to complain." The records of this House would prove the same thing. But Mr. Morgan says, that the case of his loan was an instance; for that, in that case, the contract for the loan of 1795 was brought forward before the last payment on his loan was made; and that he and his party did not entertain a thought of claiming any preference, although strongly solicited to be competitors for the new loan. Here two answers occur. In the first place, is the principle false, as applied by Mr. Boyd this year, because Mr. Morgan, under the circumstances of his case at the end of 1794, either did not see the application of it, or did not choose to avail himself of it? In the second place, the cases are not parallel. In the case in 1794, the contract was made, but the deposit or first payment was not to be made, and could not be made, till after the last payment of Morgan's loan was over; because parliament was not to meet time enough for the possibility of its sanction being given to the bargain, till after the last payment on the former loan. One would have thought the difference in the effect of the two cases, would have appeared so obvious as to be admitted. On the whole, can it be fairly contended, that, in a new case—with the species of engagement arising out of what had passed on the former occasion, and which seemed by the governor of the bank, who was privy to it, and by the report of the city in general, according to Mr. Mellish, to have been considered as a promise,—with all the reasons urged by Messrs. Boyd in their letters and conversation, the nature and weight of which, the chancellor of the exchequer was to examine, not merely by his own judgment, but by his idea of the *bona fide* impression that they had made on the mind, and the effect they had had on the conduct of Boyd and his party—can it, I say, be fairly contended, that the chancellor of the exchequer could disallow the claim, consistently with the attention due from government to the equitable rights of individuals, in their transactions with them? *Quærenda pecunia primum*, and at the expense of good faith and justice, is a maxim, not more sordid in private life, than it would be discreditable and dangerous in the concerns of the public.

The learned gentleman then entered into a defence of the chancellor of the exchequer's conduct in the transaction of the Hamburgh bills, and also of the terms upon which the loan was proposed and accepted. Having done which, he continued thus—There remains now only to consider the question of the time when the contract was made, compared with that on which the king's message was delivered. The summary of the charge on this head is, that both the intention of sending such a message, and the effect it would have on the funds, must have been foreseen on the 25th of November; that the bargain, therefore, should have been postponed, till after the delivery of the message, or the message delivered sooner: and that it is clear, the bargain might have been postponed, because it was not brought before the House till the 7th of December; and the first deposit not required till the 10th. As to the intention of delivering the message, the mere assertion—founded on conjecture—of those who make this objection, is met by the assertion of the person who delivered the message. When the chancellor of the exchequer tells us, that he did not know of his majesty's intention to send such a message at the time of the contract, is it candid, or is it possible, to refuse credit to that declaration? If it was not foreseen at the time when the contract was made, it could afford no reason to have induced a postponement of that contract. But it is said, the loan ought to have been deferred (as in former wars) till within a day or two of the time when it was submitted to this House, and then the message might probably have preceded it. The same motives which rendered it expedient to make the loan before the winding up of the former, made it probably expedient to conclude the bargain at the time when it was in fact concluded; and there seems no reason to doubt that it was the original intention of the chancellor of the exchequer to communicate it to the House immediately. One can easily discover a sufficient explanation of the interval which intervened between the bargain and the statement of it to parliament, in the urgency of the measures which occupied the attention of the House during that interval. Every body must recollect,

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that the chancellor of the exchequer had fixed various earlier days for the budget, and that he was prevented from time to time, by the interposition of other matters of a still more pressing nature. But was the message in fact, such "that it was impossible not to foresee that advance in the public funds which took place after it?" It certainly did not appear to many of the members of this House of a nature likely to produce such effects. To many it seemed to say little if any thing more than the speech from the throne had done, taken together with the explanations given by the minister on the first day of the session; with this difference, that the speech announced a plan of conduct in the event of a contingency which was then foreseen as possible; the contingency was known to have happened before the message was delivered, and the message expressly declared the very same plan of conduct, as then fixed by the event, which had before been announced by the speech. The speech (and comment) the moment after that event was known, had virtually done the same thing. What did the gentlemen over the way foresee on the occasion? They had the same means of prediction or conjecture on the subject, at the time the message was delivered, as the chancellor of the exchequer. They could have no predilection for Mr. Morgan more than for Mr. Boyd; their only object was doubtless a saving to the public; and they therefore proposed to accept Mr. Morgan's offer, conceiving that the utmost probable rise consequent on the message would be something between 1 and 2 per cent. on the sum borrowed.

Is it necessary, after having detained the House so long, to observe, that between the bargain, and the time of the great rise which took place, news was arriving every day, of the great successes of the Austrians on the Rhine? Is it necessary to observe, that if the chancellor of the exchequer had been able to foresee, that by some of those illusions so common on the stock exchange, the message would produce effects so disproportioned to its true nature and tendency as it seems to have done, and if it had been in his power to deliver the message previous to making the contract, it would have been unworthy of him, and of the nation, to have taken advantage of such an illusion, transient of course, and which, when dissipated, might have left the persons who had made their bargain under its temporary influence, either ruined and undone, or entitled to resort to the justice of this House for redress and indemnification. It is, I believe, an established maxim in finance, that government may make too good terms in borrowing money, and for the reason just alluded to, viz. that in case of a loss accruing to the lenders, they ought not to be permitted to stand to that loss. At least, the trade and credit of the country must suffer by such a circumstance, and the public would not find it possible, when another loan should be wanted, to get the money but on the most extravagant conditions. The history of some past loans will be found to verify the truth of this observation.—But what strange, uncandid method of computation has furnished the 2,160,000*l.* as the loss on the late loan? No allowance is made for fair profit; no consideration of the impossibility of selling all the loan suddenly, without as suddenly precipitating the premium upon it; no recollection of the known practice of loan-holders to keep it back, and only part with it piecemeal and by degrees, in order not to glut the market; no attention to the evidence which the late prices furnish of the short duration of the impression which the too sanguine hopes excited by the message and other circumstances had made.—I trust, Sir, that I have satisfied the House, that we are bound not only not to assent to any of the 40 propositions offered to our consideration, but that justice requires us to go much farther. The right hon. gentleman, after having acted in the execution of a necessary and important, but certainly an irksome and invidious part of his duty, in the only manner in which he could reconcile the public interest and the public honour to what was due to individuals, has been attacked on grounds totally inconsistent with the established facts, and the true and sound arguments of the case. I say, therefore, that in justice to him,—whose situation is such, that false imputations on his public conduct, especially in the delicate transactions of finance, cannot be suffered to pass away in a silent negative, without manifest public inconvenience and detriment,—we must vindicate him, by a direct assertion of the true result of the inquiries of your committee, and the substitution of merited applause and approbation, in the room of the extravagant, contradictory,

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and groundless censure, which the hon. gentleman has proposed to the House to pronounce.—Mr. Douglas then moved the following Amendment to the first resolution, "That it appears to this House, that the principle of making loans for the public service by competition, which was introduced, and has in general been acted upon, by the present chancellor of the exchequer, has been productive, in many instances, of great public advantage; but, that this principle could not be applied in its full extent to the bargain for the late loan, consistently with the peculiar circumstances of the case, and with that attention to the equitable claims of individuals, which ought always to be shown in transactions with them on the behalf of the public."

Mr. *Francis* said, that although he was but little prepared, and not at all inclined, to enter far into the debate, and though he was full of impatience and curiosity to know what the chancellor of the exchequer had to say for himself, or whether he would be content to rest his defence on the ground taken, and trust it to the arguments used by the learned gentleman, nevertheless there were some passages in that gentleman's speech, of which he thought himself bound not only as a member of parliament, but especially as a diligent if not very active member of the committee, to take some notice. On those particulars I shall first endeavour to set the House right, and to prevent their being misled. Not that the facts, mistated by the learned gentleman, are very material in themselves, but because some serious conclusions have been fallaciously drawn from them. I shall then endeavour to show that the learned gentleman, in the general drift and tendency of his speech, has laboured to divert the attention of the House from the real object of the inquiry, and to fix it on others, not immediately in question, or not essential to the point in issue, namely, whether the chancellor of the exchequer has or has not made a provident bargain for the public; and, if he has not, to what motives his misconduct may fairly and rationally be imputed. The first may possibly be proved; the second can only be matter of moral inference or unavoidable conclusion, and never the subject, or very rarely, of direct evidence. No man accused has a right, in the first instance, to plead character against conduct, or expect us to conclude that he has acted faithfully, because the worst motives possible are not to be proved by witnesses against him.

The learned gentleman has thought fit to open his defence of this transaction by a triumphant appeal to the opinion of the committee, declared in the outset, and stated in the front of their report, viz. "that, on the inspection of the lists, as well as from the examination of the parties, your committee see no ground to suppose, that any interference took place, on the part of any persons connected with government, in the distribution of any part of the loan." And this declaration, he says, was made with the unanimous concurrence of the committee, and expressly of the chairman and his colleagues; a description of a part of the committee not very parliamentary in point of form, and perfectly unjust in its application. The word colleague, applied in that manner, would have no meaning, if it were not intended to intimate that the committee was banded into parties, one of which was determined to censure and to condemn; and that the opinion, if agreed to by two or three of us, who might be supposed to attend on the part of opposition, must be unquestionably true in itself, and in all its consequences. Now, Sir, I can affirm for one, and I believe it will not be denied by any, that, although I attended the committee constantly till the last two or three days, when I conceived the business was in effect over, I took but little part, certainly not an eager part, in the inquiry. I asked some of the witnesses a very few questions, and left it to the hon. gentlemen on the other side, whose superior numbers, generally ten to one, gave them an absolute command of the inquiry, to conduct it as they pleased. I was not present, when the preamble to the Report was voted. I had neither notice nor suspicion, that it was intended to introduce such a declaration into a Report of Evidence. Otherwise, assuredly I should have attended on purpose to oppose it. In this sense then, and with this explanation, the resolution of the committee was not unanimous. In any other, the unanimity, in which the learned gentleman triumphs, proves nothing. It was properly and exclusively the act of himself and his friends. I now object to it as not only untrue in the available meaning and effect of unanimity, which amounts to nothing unless it includes the opinion of your opponent, but as utterly irregular, and in every point of

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view inconclusive. In the first place, I affirm that the declaration, whether true or not, ought not to have been forced into the Report. The committee was appointed to "inquire into the circumstances of the negotiation of the late loan, and were impowered only to report the evidence, as it should appear to them, to the House." On the result or effect of that evidence or any part of it, they had no authority to report an opinion. Nor could they have it otherwise than by express terms in the resolution of the House. But, waving this objection, which *in limine* is decisive, let us consider a little what the declaration in itself amounts to, and, taken with all its circumstances, what weight should be allowed to it. The committee say, that, "on inspection of the lists, &c., they see no ground to suppose that any interference has taken place," &c. Be it so. Is that enough? Does the contrary appear from the evidence? If it does not, the negative proposition leaves its own question untouched. I know very well that the lists, produced to the committee, with respect to the interference in question, prove nothing; and that the publication of them was said to be withheld for fear of injuring bankers and other persons in business, who were great subscribers, and who might be suspected of not dividing fairly with their customers. But, if you look into the Report, you will find that sums little short of millions are still covered by single names, the distribution of which was never known to the committee. For one example out of many:

"Question to Mr. Goldsmid. Is the whole of the remainder, amounting to 3,492,000*l.* for yourself only? No. Will you state to the committee how much of that sum is for yourself, and the names of the persons, among whom the remainder is distributed? 482,000*l.* is for my brother and myself. As to the remaining 3,010,000*l.* I can't give up a list, as I was in honour bound not to do so."

With a number of such facts before us, is it possible to contend that any affirmative proof arises, from an inspection of the lists or any other part of the evidence, that no interference did take place, on the part of any persons connected with government, in the distribution of any part of the loan? But, unless that proposition be maintained, the opinion of the committee is not only irregular, but useless and unavailing to the purpose, for which it was produced and insisted on by the learned gentleman. These objections in my judgment, are fatal to the opinion in itself. Let us see what importance it derives from the persons, who concurred in it. I am not speaking of the formal constitution of the committee, but of the materials, of which it was in fact composed. Individually without doubt the members, who attended most diligently, and who had an entire command of the proceedings, are entitled to all manner of consideration and respect. They are all honourable men, and, in proportion to their sense of honour, most likely to be influenced in favour of their benefactor. I shall describe them by their stations only; and, that I may do even that without a risk of offence, I shall state the case in another form, sufficient for my own purpose, and not liable to an invidious construction. Suppose my right hon. friend near me (Mr. Fox) had been chancellor of the exchequer, and that a question had arisen concerning the integrity of his conduct in some transaction of his office. I ask this House, I ask every man of common sense, who hears me, whether the unanimous opinion of two secretaries of the Treasury, of two paymasters general, and of twenty members of the boards of Admiralty, Treasury, and Control, all appointed by himself, would have the weight of a feather to satisfy the world, that his conduct had been pure and irreproachable? On this part of the subject I shall only add, that my right hon. friend, whether guilty or innocent, has two much discernment and knowledge of the world, to rely on such miserable evidence for his acquittal.

I shall dwell but little on the other parts of the learned gentleman's speech, because it appears to me that the whole of it runs in a false direction, and that, if his particular observations were ever so true, they would not lead the House to a just conclusion on the body and substance of the transaction before us. In defence or behalf of the proposed resolutions, it would be in vain for me to address myself to the learned gentleman. He has loudly declared that, whether true or false, he was determined to reject them all. Against so vigorous and intrepid an effort of resolution, I know it would be in vain to apply any arguments of mine; so I shall leave him undisturbed in the possession of it. He has said a great deal with great asperity, and I think

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with no little injustice, against the credibility of Mr. Morgan's evidence, grounded on the extreme interest, which he supposes Mr. Morgan to have had to misrepresent such parts of the minister's conduct as affected himself, and to state them in his own favour. He has also taken pains to prove that Mr. Morgan was not injured, and had no reason to complain. Well Sir, I at least have no personal interest in defending Mr. Morgan. I never saw him before the day when he first attended the committee, and then I must confess, that, in his temper and deportment, I saw no indications of deep design, of cool, thoughtful, guarded cunning. To judge of him by appearances, there never was a man so little qualified by nature for the part of an impostor. He must be an ideot indeed, who could be imposed upon by Mr. Morgan. I gave him credit for what he said, because he said nothing but what was probable. On the other hand, if, with the most unimpeached character, he had stated things utterly improbable, his character alone would not have secured his evidence from suspicion. In by much the greatest part of it, he was supported by the concurring testimony of all the other witnesses. On that assertion, on which the learned gentleman denies that any credit is due to Mr. Morgan, and which, as he affirms, must have been a mere afterthought and subsequent invention, when he knew the terms on which the loan was actually settled with Mr. Boyd, viz. "that on the 25th of November, if he had been called upon on that day he would have offered those terms for the loan, which he stated to the committee, and by which, if they had been accepted, an advantage of 499,500*l.* would have accrued to the public." I for one, declare most solemnly that I give Mr. Morgan entire credit. Because I know that, on those terms, the loan would still have been extremely profitable to the subscribers, and because I have good reason to believe, from particular inquiry, that men of the first property in the city would have been glad to have gone halves with Mr. Morgan in that bargain. I do not mean now, and with their present knowledge, but on the 25th of November and with all the circumstances in their view, by which transactions of this sort are commonly governed, as they actually stood on that day. As to motives of a great interest, which might influence the testimony and lessen the credit of Mr. Morgan, let it be remembered that all the competitors had an interest of the same kind, and full as considerable as he had. To believe by selection is mere partiality, and indicates an interest in the examiner just as much as in the witness. But what is all this to the purpose? What have we to do with Mr. Morgan's interest, or with the injury, which, in his own opinion or any other, he is supposed to have suffered? The learned gentleman travels out of the record. In the resolutions now proposed to you by the chairman of the committee, there is not a single word on either of those points. The true and only object of inquiry both here and in the committee is, whether the interest of the public was or was not faithfully guarded by their representative and trustee, the chancellor of the exchequer; whether the public has or has not been essentially injured by any act or omission of his in the settlement of that loan, which he had at his sole disposal. But it seems Mr. Morgan is not to be credited, because he suspected the chancellor of the exchequer of collusion with Mr. Boyd. Was he the only person, to whom that suspicion occurred? Look at the evidence of Mr. Mellish. That gentleman's character at least is unsuspected. "When Mr. Boyd and Mr. Robarts were called out of the room at Mr. Pitt's (on the 25th of November), I had a suspicion that it would not be by competition, and said, hey day! a Secret Committee!" I believe, Sir, I shall be able to make it appear that what then was suspicion to Mr. Mellish, should now be conviction to this House. The learned gentleman objects, with all possible vehemence and indignation, to the two last Resolutions, as if they contained propositions palpably false or monstrously absurd. The former asserts, and to that part of it I confine myself at present, that the loan was a gift to Mr. Boyd. The evidence proves that the chancellor of the exchequer, who had uniformly professed and held up the principle of free and open competition, and who had invited the competitors to his house to bid for the loan, did, on the 25th of November for the first time, and after a separate conference with one of the parties, propose to the other competitors another principle of what is called a qualified competition, which they instantly refused, and which the governor of the Bank tells you, that "in their place, he would

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not have accepted." Mr. Boyd says, "We were very willing to leave the fixing of the price of the loan to the chancellor of the exchequer." The governor of the Bank says, "Their answer was, that they would trust to Mr. Pitt's candour, and take it on his own terms." And, in a few minutes, the loan was theirs. If this be not a gift, in all its effects, I should be curious to hear the learned gentleman's definition of that word, and, supposing it a gift, in what terms he would describe it. The learned gentleman does not deny the previous conference, alluded to in the third resolution, but he objects to calling it separate. The epithet, it seems, is invidious, and calculated to convey a false idea of the conference, as if it had been secret, whereas it was held in presence of the governor and deputy governor of the Bank. True, it was so. Still the conference was separate, in the terms and meaning of the resolution. It was held with one of the parties, while the other two were excluded. The competitors were assembled, by appointment from the chancellor of the exchequer, to bid for the loan, as they thought on equal terms. The governor of the Bank says, that on the 23d of November, "I asked him pointedly the question, Whether it was to be by competition? and he told me, certainly it would, and that I might tell the gentlemen;—and then my suspicions were done away." When the parties meet, the first thing that happens, is a separate conference with one of them; the next, a proposal to the other two to bid for the loan on terms incompatible with the principle of free and open competition.

The last of the resolutions is that, which fills the learned gentleman with particular indignation, which he can no way endure, and which he will not only negative, but substitute another of his own in the room of it. Now, Sir, let this proposed resolution be ever so defective, or ever so false and unjust, he ought at all events to state it fairly. He asks, whether it be possible to advance a proposition more extravagant and absurd, than that two millions and a half have been given to the contractors for the loan, and lost to the public. The learned gentleman is not very exact in stating large sums. For shortness I suppose, or to save time, or to speak in round numbers, he always calls it two millions and a half, when the resolutions specify 2,160,000*l.* At this precise sum the resolutions estimate the profits to the contributors at the expense of the nation; but do not say that it was given to the contractors, or that the whole of it was lost to the nation. Undoubtedly a fair and reasonable profit to the contributors ought to be allowed and deducted. The remainder is evidently given away. But the whole premium is truly stated as a profit to the contributor. There is no other way of describing it. At 12 per cent. on eighteen millions it amounts to 2,160,000*l.* I know that at one period the premium on the loan rose to 12½ per cent., and that some of the principal holders of omnium did not sell at that price or near it, as they might have done, because they expected it to rise to 15 or 16; and so it would without doubt, if the expectations, fallaciously held out by the king's message of the 8th of December, had not been defeated by the subsequent conduct of government. What the real intention of the message was, I know not; but I know that it was calculated to answer a purpose, that it had a considerable effect, and that, since that time, the contents of it have been discarded and forgotten.

I shall now endeavour, Sir, to state to the House, as briefly and distinctly as I can, what in my judgment are not, and then what are the true essential points in issue, between those who applaud, and those who condemn the conduct of the chancellor of the exchequer in this transaction, and which alone deserve the attention of the House. Every attempt to shift the question or the charge from its real ground is, in some degree, an admission. Men of experience and ability, who know the consequence, would not resort to bad logic, or to false ground, if they felt themselves strong in fair and honourable argument, on the real merits of the subject. The line of examination, which the right hon. gentleman's friends incessantly pursued in the committee, tended to prove some propositions, which were not in dispute. The hon. secretary of the treasury, I am sure, will remember my having said expressly that the result, though ever so favourable to him, would be superfluous, that it was a defence without a charge, and that I cautioned him against the natural inference that must be drawn from that mode of proceeding, They adhered to it in the committee, and

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Blumen aus der Wüste.

Es reiste einst ein Bruder aus dem Kloster des Abtes Pastor in die Ferne, und kehrte unterwegs bei einem Einsiedler ein, der seiner großen Wissenschaft wegen in glänzendem Rufe stand, und gastlich gegen Jeden war, der bei ihm herbergte. Als aber der Bruder ihm vielerlei Wunderbarliches von dem Abt Pastor erzählt hatte, ward jener begierig, ihn zu sehen. Nach vollbrachter Reise kehrte der Bruder nach Aegypten zurück; und sieh, da kam nach wenig Tagen auch besagter Einsiedler mit einigen Freunden, und sprachen bei ihm ein. Es sprach aber der Einsiedler: „erzeige mir nun die Liebe, und führe mich zu dem Abte Pastor.“ Und es führte ihn der Bruder zu dem Abte und sprach zu diesem: „Ein großer Mann, der viel Lieb hat und in seinem Lande höchlich verehrt wird, ist hieher gekommen, dich zu sehen.“ Der Greis nahm ihn mit freundlichem Gruße auf, und sie setzten sich. Und nun begann der Fremde von der heiligen Schrift und von göttlichen Dingen zu reden. Der Abt Pastor aber wandte sein Angesicht, und gab ihm keine Antwort. Als jener sah, daß der Greis ihn keiner Rede würdigte, ging er traurig von dannen

der Greis: „Der ist von Oben her und spricht von himmlischen Dingen; ich aber bin von der Erde und spreche von Irdischem. Hätte er von den Krankheiten und Leidenschaften der Seele mit mir gesprochen, so hätte ich ihm allerdings antworten können; himmlische Dinge aber sind mir nicht kund.“ Es ging aber der Bruder hinaus und sprach: „Nicht leicht spricht der Vater über die Schrift und erhabene Dinge. Lieber spricht er von den Leidenschaften und Krankheiten der Seele.“ Da ward jener zerknirscht, ging hinein zu dem Greise und sprach: „Ach, Vater! was soll ich thun? Ganz werde ich von meinen Leidenschaften beherrscht!“ Und es umfing ihn der Greis mit Freuden und sprach: „Jetzt bist du mir willkommen; gern will ich nun meinen Mund öffnen und mich mit dir besprechen.“ Jener aber ward durch die Lehren des Altvaters sehr erbauet und sprach: „Wahrlich, Vater! Dieß ist der Weg der Liebe, den du lehrest.“ Und Gott dankend, daß er gewürdigt ward, den heiligen Mann zu hören, kehrte er freudig in sein Land zurück.

„Als ich heute,“ schreibt die fromme Katharina von Jesu, „am Tage der heiligen drei Könige die gegenwärtige heilige Mutter (Theresia) fragte, in welchem Buche wir lesen sollten, nahm sie ein Blatt des Katechismus und sprach: das ist das Buch, in welchem meine Töchter nach meinem

Einst brachte einer der Brüder dem heiligen Abte Makarius eine Weintraube. Der heilige Abt, der nicht nach jener Liebe that, die das Ihrige sucht, brachte sie einem andern der Brüder, der mit einer Krankheit behaftet war. Der Kranke erfreute sich höchlich über die Liebe des Heiligen, und dankte dem Herrn dafür. Aber auch er dachte mehr an das Wohl des Nächsten, als an sein eigenes, deßhalb er auch die Traube nicht kostete, sondern sie einem andern Kranken brachte. Dieser that desgleichen, und überbrachte sie einem Vierten. Und so gelangte die Traube von einer der weit von einander entlegenen Zellen zur andern, bis sie endlich wieder in die Hände desjenigen kam, der sie gespendet hatte. Der heilige Abt Makarius aber weinte vor heiliger Freude, als er diese große Liebe und Enthaltsamkeit sah, die unter den Brüdern herrschte, und ward hiedurch mächtig zur höhern Vollkommenheit angetrieben.

Nur sehr schwer entschloß der Abt Paphnutius sich, selbst im höchsten Alter, Wein zu kosten. Es ereignete sich aber, daß er einst einen weiten Weg machte, seine fernen Jünger zu besuchen, und auf eine Räuberhorde stieß, die eben um ein Weinfaß

Straße, als ein adeliger Herr, der mit seinem Gefolge vorüber ritt, ihn grüßte und anhielt, und ihn, seinen Freund aus früherer Zeit, mit Staunen und Mitleid betrachtete. „Wie geht es Euch," rief er, „wie befindet Ihr Euch?" „Sehr gut," erwiederte Franziskus, fröhlichen Angesichts. „Aber," fuhr der Andere fort, „wie schleppt Ihr Euch zu Fuße so weite und mühsame Wege? Ihr seyd ja etwas Besseres gewohnt! Wo findet Ihr ein anständiges Nachtlager, eine erträgliche Erquickung?" „Für alles dieß," entgegnete Franziskus, „ist auf's Beste gesorgt, überall finde ich treffliche Bewirthung, die beste Speise, das bequemste Lager." — „Wie denn?" rief jener, „wie so? wer hilft Euch? wer ist Euch zu Diensten?" — „Meine Kammerdiener, meine Jäger besorgen Alles auf's beste." — „Wo denn? wo sind sie? Ihr seyd ja allein."

„Ich habe sie bereits vorausgesendet. Und damit ich Euch diese Veranstaltung deutlicher erkläre, so oft ich früh morgens mein Herz zu Gott erhebe, und mein Thun und Lassen für den bevorstehenden Tag bedenke, so erwecke ich den Vorsatz: alle Entbehrungen, Widerwärtigkeiten, Mühen und Leiden, die etwa Gott an diesem Tage mir senden wird, im voraus willig anzunehmen, in guter Ueberzeugung, daß ich alles dieß, und bey weitem mehr noch für

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Der junge Maler.

Ein berühmter Maler gab seit längerer Zeit seinem Sohne Unterricht in seiner Kunst. Schon begann der junge Mann allein und nach seiner eigenen Erfindung zu arbeiten; ja seit einigen Tagen beschäftigte er sich heimlich mit einem Bilde, das er erst nach seiner Vollendung dem Vater zeigen wollte, um ihn angenehm zu überraschen. Dieser aber erfuhr sein Vorhaben und ging in der Abwesenheit des Sohnes in dessen Arbeitsstube und machte zu seiner Unterhaltung einige Pinselstriche in dem Bilde, welche eine sehr gute Wirkung hervorbrachten. Der junge Maler, vor sein Bild zurückgekehrt, fühlte eine große Zufriedenheit mit seiner Arbeit, ergötzte sich innerlich an seinem Talente, und setzte seine Arbeit mit neuem Eifer fort. Einige Tage nachher benutzte der Vater nochmals die Abwesenheit des Sohnes, um ihm denselben Streich zu spielen; er überarbeitete einige Stellen des Bildes, milderte einige Partien und hob andere kräftiger heraus und verließ die Werkstätte abermals unbemerkt. Der

er mehrere Tage hindurch. Und es ging sein Vater hinaus, daß er sehe, wie weit der Sohn gekommen wäre. Wie er nun sah, daß dieser ganz und gar nichts angerührt hatte, sprach er zu ihm: „Warum hast du in so langer Zeit nichts gethan?“ Der Jüngling aber gab dem Vater betrübt zur Antwort: „als ich herauskam und Hand anlegen wollte, da sah ich diese ungeheuere Menge Disteln und Dornen, und es entfiel mir aller Muth, so eine endlose Arbeit auf mich zu nehmen; und vor Betrübniß und Unmuth warf ich mich zur Erde nieder, und schlief ein.“ Da sprach der Vater zu ihm: „Mein Sohn, bearbeite du jeden Tag nur so viel Erdreich, als die Breite beträgt, die dein Körper auf der Erde einnimmt, und es wird dein Werk mählig und mählig vor sich gehen, und deine Kleinmuth wird von dir weichen.“ Und der Jüngling that, wie er gehört hatte, und sein Erbe war in kurzer Zeit gereinigt, blühend und überaus fruchtbar. „Also, mein Bruder, wirke auch du allmählig, und du wirst nicht erliegen, und Gott wird durch Seine Gnade dich wieder zu deinem frühern Stande zurückführen.“ Der Bruder aber ging hierüber gar sehr getröstet von dannen, und bearbeitete, wie der Altvater ihn gelehrt hatte, das Erdreich seiner Seele mit Geduld, und fand endlich Ruhe und gelangte durch die Gnade des Herrn zu größerem Fortgang.

irdischen Habe und Hoheit, die Kürze des Lebens und den Lohn derjenigen, die Christo mit treuem Herzen dienen, in's Auge fassend, die Welt verließ und in denselben Orden trat. Bis in's Innerste der Seele betrübte sein Vater sich, als er erfuhr, daß der, dem er seine große und reiche Erbschaft hinterlassen wollte, dieser Erbschaft entsage; ja er ward dermassen darüber entrüstet, daß er sich aufmachte und die Abtei von Grund aus zu zerstören drohte, wofern man seinen Sohn ihm nicht herausgäbe. Als der besonnene Jüngling den Ingrimm seines Vaters erfahren hatte, trat er vor ihn und sprach: „Zürne nicht, mein Vater! wenn du thun willst, was ich dich bitte, so werde ich mit dir zurückkehren, weltlich bleiben und die Erbschaft annehmen.“ Ueberaus freudig über dieses Versprechen, sagte der Vater ihm: „Alles bin ich bereit, für dich zu thun; sprich, was willst du, und alles soll geschehen.“ Da sprach der Jüngling: „es herrscht auf allen deinen Gütern eine Sitte, die Jeder beobachtet; wenn du diese abbrächtest, so möchte ich herzlich gern dort wohnen.“ — „Was immer für eine Sitte dieß sey,“ gab ihm der Vater zurück, „ich verheiße dir auf mein Ehrenwort, daß sie auf der Stelle abgeschafft wird, wenn du um diesen Preis mit mir gehst.“ „Diese Sitte,“ sprach hierauf der Jüngling, „ist, daß in allen deinen Landen die Jünglinge eben so gut sterben, als die Greise; stellst du diese Sitte nicht ein, so kehre ich auch nicht dahin zurück.“ Da nun der Vater zu bekennen gezwungen war, daß dieß

ler Betrachtung göttlicher Dinge zu verweilen. Ihr uneigennütziger Begleiter that es ihnen nach, er kniete ebenfalls in größter Stille in einem andern Winkel der Stube bis zur Zeit des Aufbruches. Wie sie nun einige Tage hindurch, dieß sein Benehmen beobachtet hatten, fragten sie ihn einmal auf dem Wege: „womit beschäftigst du dich, wenn du des Morgens die ganze Stunde knieend zubringst? Was für Gedanken hast du dabei?“ Der Landmann erwiederte: „Ich bin ein einfältiger Mensch, ich habe nichts gelernt, und weiß über nichts nachzusinnen. Da ist denn mein Gedanke dieser: mein Gott, diese Männer sind Deine Diener, ich aber bin ihr Lastträger. Mein Gott, ich weiß nichts zu reden mit Dir, aber diese Deine Diener wissen es wohl. Ich vereinige mich also mit ihnen, und alles, was sie denken, meinen und sagen, alles dieses denke und sage ich auch.“ Es erbauten sich die Heiligen an solcher hohen Einfalt und Demuth und preiseten Gott, der Manches den Weisen und Klugen verborgen, den Kleinen aber geoffenbaret hat.

Auf ähnliche Weise wie dieser gute Landmann könnten gänzlich ununterrichtete Christen es bey den heiligen Geheimnissen unserer Kirche machen und sprechen: „Mein Gott, ich weiß und verstehe nichts von allem, was bey dem Altare geschieht oder gesprochen wird, aber ich vereinige mich mit der Meinung der Kirche; alles, was sie, was die ganze Christenheit, was der Priester als Diener Christi

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zens legte er ein umständliches Sündenbekenntniß seines ganzen Lebens unter Thränen der Reue vor ihnen ab. Somit wälzte er die schwere Bürde, die noch auf seiner Seele lastete, von sich weg, und konnte nun getrost vor seinem himmlischen Vater erscheinen.

Schon in der folgenden Nacht ward er heimgerufen; der Schlag rührte ihn, und es ward ihm nur noch vergönnt, von den frommen Vätern, die zu seiner Hülfe herbeieilten, geistlichen Trost und nochmalige Lossprechung von seinen Sünden zu empfangen — da hauchte er den letzten Seufzer im Frieden aus.

147.

Fromme Einfalt.

Auf einer Wanderung, welche St. Ignatius Loyola mit Franz von Xavier und einigen andern seiner ersten Gefährten aus Frankreich nach Spanien machten, gesellte sich ein Landmann zu ihnen,

Es kam einstmals ein Bruder zu dem Abte Sylvanus, der auf dem Berge Sina wohnte, und als er sah, wie emsig die Brüder arbeiteten, sprach er: „Ihr sollt nicht eine Speise wirken, die da vergeht; — Maria hat den beßten Theil erwählt.“ Und der Altvater sprach zu einem der Jünger: „führe den Bruder in eine leere Zelle.“ Und als die neunte Stunde des Tages vorüber war, horchte der fremde Bruder an der Thüre, ob sie ihn nicht etwa zum Essen rufen würden. Da aber Niemand erschien, trat er endlich müde und hungrig hervor, und sprach zu dem Abte: „Essen die Brüder heute nichts?“ — „O ja, sprach der Altvater, „sie haben bereits gegessen; wir beriefen dich aber darum nicht, weil du ein geistiger Mensch bist und körperliche Speise nicht bedarfst; wir dagegen, die wir in einem fleischlichen Körper wandeln, bedürfen allerdings der Nahrung, weßhalb wir denn auch arbeiten müssen. Du aber hast den beßten Theil erwählt, und issest vor beständigem Lesen und Betrachten — nichts.“ Da der fremde Bruder dieß gehört hatte, fiel er vor dem Abte nieder und sprach: „Ich habe gefehlt, Vater! vergieb mir.“ Der Altvater aber antwortete: „Mich bedünkt allerdings, daß Maria der Martha bedarf; denn arbeitete Martha nicht, nimmer hätte dann Maria geruht.“

Es schifften einstmals einige Brüder sich ein, den heiligen Einsiedler Antonius zu besuchen. Es

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Als sie nun ausstiegen, sahen sie, daß der Greis ebenfalls den Weg nach der Zelle des Heiligen einschlug. Sie kommen an. Da sprach Antonius: „Ihr hattet eine gute Begleitung an diesem Alten"; zum Greise aber sprach er: „Du hast gute Brüder auf dem Wege getroffen." Hierauf antwortete der Altvater: „Gut mögen sie seyn, aber ihre Wohnung hat keine Pforte, und wer immer will, geht in den Stall und führt ihr Thier heraus." Dieß aber sprach er, weil sie alles, was ihnen in ihrem Herzen aufstieg, ausplauderten.

Eutychia, eine edle Syrakusanerin und Mutter der heil. Luzia, sprach einst gegen das Ende ihres Lebens zu ihrer Tochter: „Du weißt es, meine Luzia, daß ich dein väterliches Erbtheil nie berührte, und es vielmehr vergrößerte, als verminderte. Das Vermögen aber, das du von mir erben wirst, ist dir genau bekannt. Drücke mir also nach meinem Tode die Augen zu, und schalte mit deinem Vermögen nach Belieben." Luzia aber sprach: „Liebe Mutter! höret meinen Rath, Der ist nicht sonderlich bei Gott beliebt, der Ihm etwas gibt, das er nicht mit sich nehmen und auch nicht selbst genießen kann. Wollet ihr also bei Gott euch beliebt machen, so gebet Ihm, was ihr selbst genießen könntet; so lange ihr also noch lebet und gesund seyd, gebet dem Herrn, was ihr besitzet, und was

sein jetziger Gemüthszustand Stille und Einsamkeit fordere.

Die Freunde boten alles auf, ihn von seinem Vorhaben, das ihnen äusserst thöricht schien, abzubringen; versuchten es bald mit guten Worten und vernünftigen Vorstellungen; bald mit beissendem Spott und Hohn, und bittern Schmähungen; doch nichts vermochte die Festigkeit seines Entschlusses zu erschüttern. Es blieb ihnen nichts übrig, als sich zurückzuziehen.

So war er denn allein, sich selbst oder vielmehr der Gnade überlassen, die ihr Werk in ihm vollenden wollte. Er durchging in der Bitterkeit seines Herzens seine vergangenen Jahre, die er übel zugebracht hatte, und flehte mit schmerzlichem Seufzer, aus tiefzerknirschtem Herzen, zu dem Gott, gegen den er sich so schwer vergangen, und der dennoch ihm Seine erbarmende Hand zur Rettung bot. Nachdem er lange mit dem Herrn sich berathen hatte, wie er sein Leben Ihm weihen sollte, faßte er den Entschluß, seine übrigen Tage in strengen Bußübungen in einem Trappisten-Kloster zuzubringen.

Während er sich dazu bereitete, traf es sich, daß zwei ehrwürdige Ordensgeistliche, die auf einer Wanderung begriffen waren, um ein Nachtlager im Schloße baten. Sie fanden freundlichere Aufnahme, als sie noch vor einigen Tagen gefunden ha-

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Vater zu verstehen zu geben, daß er sich mehr für seinen Nebenbuhler, als für seinen Schüler halte. Nun aber, damit er nicht ganz den Kopf verlieren möchte, eröffnete ihm der Vater, wie er seinem Pinsel alles verdanke, namentlich wie er dasjenige, was der letzten Arbeit einigen Werth gegeben habe, nur von fremder Hand herkomme. Wie groß war bey dieser Nachricht die Demüthigung des jungen Mannes! —

Sehr viele Menschen gleichen diesem Sohne, die sich zuschreiben, was nicht ihnen gebührt und der Pflichten gegen Gott vergessen. Gott ließ schon durch den Propheten Isaias dem stolzen Senacherib, der sich seiner zahlreichen Eroberungen rühmte, sagen: „Unsinniger! sagt der Herr, weißt du nicht, daß schon von Ewigkeit her Ich Selbst alle die Verrichtungen bestimmt habe, deren du dich rühmst? Jetzt vollziehe Ich nur durch dich jene Absichten, die Ich vor deiner Geburt schon gefaßt hatte. Ich habe Mich deiner Waffen bedient, die Städte zu zerstören, die Meinen Zorn verdient hatten, und du bist Nichts gewesen, als das Werkzeug Meiner Rache."

seine Seele gewinnen wollte, nahm den Becher und sprach: „wahrlich ich sage euch, Derjenige, Welcher sprach: ein Glas Wassers den Armen gespendet, verliert seinen Lohn nicht, wird für diesen Becher Wein, den ihr mir Armen gespendet, euch hier und dort gnädig seyn." Und hierauf lagerte er sich zu ihnen, und sprach in so freundlichem Ernste zu ihren Herzen, daß er sie alle aufs innigste rührte und dem Herrn gewann. —

„Ich fragte einst," spricht der heilige Johannes Climacus, „zu meiner Erbauung einen gewissen Bruder, Abbakir genannt, der bereits fünfzehn Jahre im Kloster war, und dem Jeder alles erdenkliche Leid anthat. Denn oft jagten ihn die Aufwärter vom Tische hinweg; er war nämlich etwas unenthaltsam im Reden. Diesen also fragte ich: „Sage mir, Bruder Abbakir! warum muß ich täglich sehen, daß man dich vom Tische hinwegjagt, und daß du oft schlafen gehest, ohne einen Bissen zu essen?" Und er antwortete mir: „Mein Vater! glaube mir, die Väter prüfen mich nur, ob ich auch ein wirklicher Mönch bin; denn sie haben gewiß nicht die ernste Absicht, mir Leides zu thun. Da ich nun

seinen nahen Tod, und sprach kurz zuvor, ehe er im Herrn entschlief: „Ich danke meinem Herrn Jesu und euch, daß ihr mich zu meinem Heile versucht habt; denn sehet, seit siebenzehn Jahren, als ihr mich prüftet, ward ich nie vom bösen Feinde versucht.“ Auch ließ der gerechte Pastor ihn ehrenvoll unter den Bekennern bestatten, deren Asche dort ruht.

Ein Bruder, der von großen Versuchungen geplagt war, ward darob so sehr kleinmüthig, daß er zuletzt von Leid und Ueberdruß die Ordensregeln gänzlich verabsäumte, und als er dieß endlich wahr nahm, und zur Ordnung zurückkehren wollte, hinderte ihn seine Betrübniß hieran, und er sprach: „Ich werde nie mehr dahin kommen, wo ich einst war;“ und er ließ den Muth gänzlich sinken. Kurze Zeit darauf traf er mit einem Altvater zusammen, und klagte diesem, wie sehr sein Inneres zerrüttet wäre. Der Altvater hörte ihn liebreich an, tröstete ihn und erzählte ihm folgendes Beispiel.

Es war einstmals ein Mann, der hatte ein Ackerland, und vernachläßigte solches gänzlich, so daß es endlich ganz mit Disteln und Dornen bedeckt war. Nun besann er sich plötzlich und sah, wie schade es war, beschloß, das Ackerland zu bebauen, und sprach zu seinem Sohne: „Mein Sohn, gehe hinaus

Sein Vater wiederholte seinen Scherz während und bis zur Vollendung des Bildes noch mehrmals, und der junge Künstler betrachtete immer mit neuer Selbstgefälligkeit den glücklichen Erfolg seiner Arbeit. Da endlich das Bild vollendet war, schlich der Vater nochmals dazu, ergriff den Pinsel, machte mit Meisterhand einige Mängel verschwinden, verbreitete hie und da einige Anmuth, und brachte in das Ganze eine gewisse Vollendung, welche dem Bilde wirklich eine große Schönheit verlieh. Man kann sich leicht denken, wie das Herz unsers jungen Malers am andern Morgen aufging, als er das Bild in seinem Glanze bewunderte und zu sich selbst sprach: „das ist mein Werk.“ Nun läßt er alle seine Freunde kommen, alle seine Nebenbuhler, alle Kenner, um sie zu Zeugen seines Ruhmes zu machen. Man sagte zu ihm, ohne Zweifel habe sein Vater mit an dem Bilde gearbeitet. „Auf diese Rede war ich gefaßt,“ sagte er, „aber so wisset denn, mein Vater hat dieses Bild nie gesehen und weiß nicht einmal, daß es existirt; ich habe es heimlich gemacht und hoffe, ihn angenehm damit zu überraschen.“ Wirklich ließ er seinen Vater sogleich bitten, zu ihm in seine Werkstätte zu kommen. Dieser umarmte seinen Sohn, bezeugte herzliche Freude, und ermahnte ihn blos, sein Talent nicht zu vernachläßigen.

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on parchment, added nothing to the validity of the security. The particular manner of executing it, was such as was dictated by the necessary regard for secrecy. As to the case of a merchant, in whom it was affirmed such a transaction would be highly discreditable and suspicious, there was nothing in common between the conduct of a merchant in the management of his private affairs, and that of the government of a great country under the pressure of public exigencies. The comparison would not hold for a moment. It might reasonably be suspected, that a merchant resorted to such a mode of transacting business in order to supply the deficiency of his capital, and to support a fictitious credit. In the case of government, the sums were already voted; they were wanted for immediate service, and funds were provided to reimburse those who advanced them as soon as their claims became due. But was this a service of such magnitude, as to give Mr. Boyd such strong claims upon government as could be construed into a right to dictate the terms of the loan? Mr. Boyd never had entertained such an idea, and I confess that this part of the transaction was executed with the same liberality and zeal as every other service to government which he has undertaken to perform. It is supposed that, in order to reward Mr. Boyd, the most likely method I could devise was, to bestow upon him a loan of considerable extent. Is it probable that in order to reward him individually, a chancellor of the exchequer at a time of severe pressure should add eight or ten per cent to the public burthens of the year?

All this, however, turns upon a question of evidence, and with respect to the evidence before the committee, it is a principle in human nature, that where persons give evidence in a case which involves their own interests and merits, their judgments will imperceptibly be biassed; and all such evidence requires to be weighed with the most scrupulous attention, and to be received with some qualification. I apply this principle equally to Mr. Boyd and to Mr. Morgan. How far Mr. Boyd had a share in the transaction of the Hamburgh bills, and how far that had any influence on the disposition of the loan, appears from the testimony of that gentleman himself. He declares that he formed no claim from that circumstance; that he had not the smallest expectation of any preference, nor did he conceive that such an idea existed. And it is to be remarked, that Boyd's evidence was clear and consistent with itself; while Morgan's in many material points, was inconsistent, and not only contradicted by himself, but by every evidence that was confronted with it. After stating that the governor of the Bank had warned him of something, which was likely to secure to Mr. Boyd a preference to the loan, he had, Mr. Morgan says, upon being questioned, more particularly affirmed, that he had not mentioned what that something was. Afterwards he said, that the governor of the Bank described the transaction of the Hamburgh bills, as likely to secure a preference to Mr. Boyd. So much for Mr. Morgan contradicting himself. The governor of the Bank, upon being examined, expressly stated, that he had not mentioned a syllable about the bills; that he had only said, that Mr. Boyd had a claim from the loan of last year, which he conceived him to be too sagacious to allow to escape him. If I had determined to throw the loan, at all events, into the hands of Mr. Boyd, could I not have found some better mode of achieving my purpose, than that which I pursued? Should I have held out the system of competition? Should I have deliberately announced my intention for that purpose, and have invited competitors when I was aware that the result could tend only to beget animosity and disappointment? Should I have expressed my reluctance to the claims of Mr. Boyd, and yielded to them only upon the conviction that they were well founded? If nothing was got by the intention which I at first announced of a free competition, but increasing difficulty, and accumulated embarrassment, as to the mode in which the bargain was ultimately settled, is not this internal evidence better than any parole proof that can be adduced, that I was sincere in the month of October, when I first announced that intention, and that I had formed no determination to benefit Mr. Boyd, by giving him a preference? I had not then examined his claim, because it had not then been stated to me so distinctly, and because it had not been brought to my recollection by the governor of the Bank. If, then, I was under the influence of error it was because I carried the system of competition strong in my mind, and because, looking solely to that, I neglected, in the first instance, to attend sufficiently

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to the claims of Mr. Boyd, and kept them back longer than, as it afterwards appeared to me, in justice I ought to have done. As to the injury which Mr. Morgan and his friends may have suffered, from having prepared their money in order to bid, that surely cannot be seriously insisted on, while it is recollected that the final adjustment of every loan is matter of so much uncertainty, and connected with so many collateral considerations. No communication from the Bank, as to competition, ever took place, except with respect to Mr. Boyd. How could Mr. Morgan contend, that he had sustained injury, from having prepared his property to qualify himself to be a bidder, when he stated, that, till the 23d of November, he never began to doubt that there would be a competition. His own account of his information on this subject was rather whimsical; it came from a confidential friend, of whom he knew nothing, who informed him that he had heard, from a third person, that Boyd was sure of the loan; and yet, though his information led him to know more than the rest of the world, he went on with his speculations, and never doubted that there would be a competition till the 23d of November; he therefore would not be responsible for any loss that the parties might sustain from such speculations. All lists or plans that were handed about were merely speculations, particularly Morgan's; and if the parties have sustained any injury, it lies entirely with him and themselves.

The next point is the nature of Boyd's claim and the impropriety of departing from the system of competition. As to the claim of Mr. Boyd, it has been proved that I, at first, testified strong prejudices and great reluctance, which were not overcome till it was brought forward in a shape in which it was no longer controvertible; that I admitted the principle of competition, and receded from it only when fair and just grounds were adduced on the part of an individual to warrant a deviation from the general system. Here a great deal of minute criticism has been displayed by gentlemen on the other side, with respect to Mr. Boyd's letter. I was in the situation of a judge trying a cause between Mr. Boyd and the public; acting as a trustee for the latter on the one hand, and called upon to decide on the justice of the claim of an individual on the other. The claim of Mr. Boyd might have been asserted too strongly. But was the consideration of the manner in which his cause was urged, to have any influence on my mind in the decision on the justice of his claims? I now stand here accused. I have been placed in the high situation of a judge, and now I appear in the more humble one of a person accused, and defending himself against a foul charge. It has been said, that I was bound to pay no attention to the claims of Mr. Boyd for a preference, because there was no express agreement, no specific terms of engagement, for that purpose. Gentlemen seem to think that unless government be bound down by specific terms, an engagement of this sort entered into by them should not be abided by. Might there not, however, be some common understanding, some implied condition, some strong and clear construction, equally binding on the minister of the country to the observance of the claim in point of honour and justice? No personal inconvenience shall ever induce me to depart from the terms of what I consider an honourable dealing, when a claim is made founded on the nature of things, and a practice recognized by constant usage. Had there been an express agreement, it would have unquestionably been presented to my recollection; but this was no reason why an explanation properly understood, and clearly made out, should not receive its due degree of attention. In transacting all loans, there must be preliminary points of conversation; a good deal of discussion naturally takes place, some particulars of which are committed to writing, while others are sufferred to pass more loosely. In the loan of 1795, it was proposed by the contractors that there should be no payment on any new loan till February of the succeeding year; to which I readily assented, not conceiving that the exigencies of the public service would require any money to be advanced before that period. Of this promise I was reminded by the governor of the Bank of England, and I was the more confirmed in its propriety, as I found that no new loan had taken place in such circumstances, even where no assurance direct, or by implication, had been given.

Mr. Pitt then noticed the connexion in which contractors stand with government, distinct from the scrip-holders, and which gives to them particular claims. Contractors had, in the first instance, to treat with ministers, and were immediately

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responsible for the fulfilment of the term. Government had nothing to do with the scrip-holders. As to that part of the Resolutions which censured the terms of the loan, it was easy for ingenious men to confound facts, by stating some that were true, and omitting others that were equally true, so as to make their reasoning upon them apply to the particular purpose for which they were drawn up. His greatest objections to the resolutions were, that in them the hon. mover had contrived to put together a collection of truths, in such a manner as to convey all the malignity and venom of falsehood. He adverted to the term "open and free competition," from which he was said to have departed, and remarked, that in order to secure the interests of the public, and prevent the manœuvres of designing persons, every competition must, to a certain degree, be qualified, at least by the consideration how far the parties were competent to fulfil their bargain. He never meant any but a system of qualified competition; and from this it was not true, as stated in the resolution, that he had made a total departure. He then justified the propriety of his own conduct, in not having left himself at the mercy of Boyd and Co. but, when the qualified competition which he held out was declined by the others, in having taken such precautions as still enabled him to name his own terms. But he was asked, why did he not send the loan back again into the city? What after it had been rejected by two sets of gentlemen, and when it would come in the less inviting shape of qualified competition! When the most favourable terms could only bring forward three parties, was it probable that the less favourable terms would produce more? When a day was fixed for conversation on the loan, it was necessary that some interval should take place, that the parties might deliberate on the terms. When all was finally arranged, he saw no good that could possibly arise from a delay of forty-eight hours, a period of suspense and uncertainty, of which advantage might be taken to occasion fluctuations in the public funds;— one circumstance that made him determine not to let the contractor leave his house till the bargain was closed. He accounted for the delay which took place between the time the bargain was made, and its being intimated to the House, by his being disappointed in bringing on the budget, as he first intended, on the 2nd of December. It was well known that the pressure of public business totally precluded him from making the necessary arrangements for the budget. He defended the manner in which he had exercised his discretion in making the terms; and considering the state of the country, he thought credit was due to those efforts by which government had been able to contract for so large a loan in the fourth year of the war, upon even better terms than had been obtained in former years.

The next point was the effect of the king's message. Those who knew him best, knew that it was not in his mind when the bargain was made. But if he had foreseen it, he could not have foreseen the rise that took place in the stocks. He was no party to any such fraud; but to whatever cause that temporary rise was to be ascribed, it certainly was not produced by the message only. There was nothing more in the message than a declaration that the time was arrived, to which his majesty had alluded in his speech to parliament. Those who carried its meaning farther, were either too sanguine in their expectation, or intended to raise hopes which could not be realized. Besides the message, there were other collateral causes for the sudden rise of the stocks—the unexpected victories of the Austrians, the increasing distresses of the enemy, the tranquil appearance of affairs at home, compared with that turbulent aspect which they bore during the period when the terms of the loan were originally settled. All these causes, coupled with the intimation that peace only depended on the disposition of the enemy, combined to give that sudden and extraordinary rise to the funds, which singly they would have failed to produce. After all, the extent of the benefit to the contractors, and of the loss to the public, had been greatly over-rated. An exaggerated statement of figures had been brought forward, in order to be echoed through the country. It had been stated, that the profit upon the loan amounted to 12 per cent. It amounted to this sum only for four days, during which stocks were exceedingly fluctuating; so that altogether it did not bear this price for above a few hours. In order therefore to make this profit, all the shares must have been disposed of within those few hours; a circumstance which would have brought such a quantity into the market, as must have occasioned a

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depression, that would greatly have overbalanced the temporary rise. All the profit is stated to centre in the individual contractors, and all the concurring and unforeseen causes, which operated to give so favourable a turn to the terms of the loan to have been the result of premeditation on my part. Under these circumstances, I am said to have given away the sum of 2,160,000*l.* by the mode of negociating the present loan! With this assertion the charge against me concludes, and with entreating the House to consider the extravagance of this assertion I conclude my defence.

Mr. *Fox* said, that he must, from the evidence before him, vote for the original proposition; and among the reasons which he had for the vote, he should give, was that of some expressions of the learned gentleman who had proposed the amendment, and also of the minister himself, who had said, that they had inferred guilt where there was no evidence of it, and had made insinuations which they half retracted. He thought he knew his duty too well ever to insinuate guilt, where there was no suspicion. With regard to the guilt, as it appeared to him in this case, he would state it to the House, as well as what he conceived to be the nature of the accusation. The mover of the resolutions never imputed personal corruption to the minister. He too, had always acquitted the right hon. gentleman of such corruption. But improvidence, in a minister of finance was no small crime; he was surprised to hear it stated as a mere peccadillo. What! improvidence in a chancellor of the exchequer a mere peccadillo! It was a very serious charge against a minister, to say that he had, in a transaction of this vast importance, made an improvident bargain. But it was not improvident merely; it was made under such suspicious circumstances, as the House ought not to be too ready to excuse. He must protest against the doctrine that no bad motive should be assigned to the minister, if it could not be proved what that motive was. This was against the common order of things, and entitled him to say, that the motive could not be a good one where the effect was so bad, and the circumstances so suspicious.—The first point to which he should call the attention of the House, was the mode of transacting the loan. The right hon. gentleman had all along been an advocate for free and open competition. But how stood the matter in point of fact? In 1793, he brought before the House a bargain so extravagant, that he attempted to defend it only by stating, that it had been the result of a free and open competition. Why, then, he could not help suspecting the fairness of that loan, in which the minister abandoned this mode. This loan was as extravagant in point of terms, and more objectionable in point of manner, than the loan of 1793. And here he must make an observation, that the right hon. gentleman's exceptions were greater than his rules. For it was not true, that he had in substance followed the principle of public competition. The last two loans were not made by competition, and, in point of quantity, they nearly equalled all the others put together; amounting to pretty nearly fifty millions. The minister, therefore, had abandoned the practice of public competition; fifty millions had been added to the capital of our debt, and that without a competition in the bidding for the loans. According to the principles of common sense, was he not called upon to say that this loan was an improvident bargain for the public? And he would ask, whether the minister should pass uncensured, merely because it could not be proved what his motives were?—Mr. Fox then proceeded to take notice of the evidence as printed in the report, by which he inferred that a preference was really intended to be given to Mr. Boyd. At all events, it was extremely material to know when the minister had the first notice of Mr. Boyd's claims. On this point he thought Mr. Boyd's evidence inconsistent with the right hon. gentleman's declaration. Mr. Boyd said positively, on his examination, that as early as October he preferred his claim, and that the chancellor of the exchequer being convinced of its justice, came under a promise to give him the preference. To forget such an important fact as this, admitted neither of palliation nor excuse. Was it nothing, after having come under a positive promise to prefer an individual, to give notice to the governor of the bank of his intention to hold out proposals of public competition, in which he knew it would not be in his power to persevere, and which, in fact, he had been obliged to abandon? And here he would say something upon the claim of Mr. Boyd. If the claim was invalid, it would only vary the degree of guilt; and if valid it was singular

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that it should have been entirely forgotten. It certainly was not a claim founded upon a direct written or verbal agreement, but even though the claim was good, it was not sufficient to stand between him and the public. For, supposing that it would have been better for the nation to have given the contractors a pecuniary compensation; if the chancellor of the exchequer, or if the country, were bound to the contractors, they were bound to the contributors; and if such a compensation had been granted, it would have been but fair that its advantages should have been extended to the contributors, as well as to the contractors; for how the country could be bound to the contractor and not to the contributor, he was at a loss to conceive. It was said that these came under some degree of risk. But how long did it exist? Only till the deposit was made. What was the nature of the risk? A risk might be so much that it might be nothing at all. The contractor might sometimes be obliged to hold scrip for a considerable time; but so was the contributor, and the risk on his part was only less, as the contractor had commonly a greater share than the contributor. In the nature of things, then, there was nothing to authorize the claim.—Much stress had been laid on the conversation which took place between the chancellor of the exchequer and Mr. Boyd, in 1794. It seemed, the chancellor of the exchequer, in order to hasten the payment of the loan, had said, that the following February would be too late for the last instalment, because it might be necessary to negociate a new loan before that time. This expression was represented as a virtual recognizance of the claim of Mr. Boyd. But it was not necessary to ascribe this conversation to a tenderness for Mr. Boyd's right, when it was much more natural to suppose it proceeded from a concern for the public interest. This casual expression, however, had such an effect upon the mind of the right hon. gentleman, that he could not efface the idea of Mr. Boyd's peremptory right to shut the market against new loans, till the last instalment upon the preceding loan should have been paid. To all this the right hon. gentleman asked, "Have I shown any symptoms of partiality to Mr. Boyd? On the contrary, was it not with the greatest reluctance that I deserted my favourite system, in order to satisfy his claim?" We had often seen reluctance used as a veil under which to conceal the commission of acts which ought not to have been committed. With what "sweet, reluctant, amorous delay," the right hon. gentleman took leave of his professions he knew not. Still, however, he kept up some degree of competition. But if he was aware that it was such a competition as to excite contempt, it was a miserable expedient to cover his determination; and if he had a better opinion of it, why did he abandon it at the instance of two angry men? But here occurred a question of moment, respecting the time at which the loan was made. On account of some pressing business in the House, the minister could not bring on the budget, but yet he could not put off the loan, but concluded the bargain twelve days before he notified it to parliament; whereas, on former occasions, it used only to be concluded two or three days before the opening of the budget.—Mr. Fox then proceeded to speak of the motives which actuated the negotiation. If it was not allowed to operate as an instrument of corruption, it certainly had some reference to a transaction which took place in September, in which Mr. Boyd raised 2,500,000*l.* for government upon treasury bills, bearing a fictitious date at Hamburgh, though drawn here. This transaction he reprobated as extremely discreditable to government, and as disgraceful to those who set it on foot. When he saw the right hon. gentleman abandon his principles; when he saw him abandon them at the suit of an individual; and when he saw him abandon them in favour of this individual, after being engaged in a discreditable transaction with him, the circumstance could not but excite suspicion, and it would require stronger reasons than any that he had adduced to establish his innocence. But, said the right hon. gentleman, this was only a necessary supply, which Mr. Boyd advanced in the most liberal manner for the service of the country, in a time of difficulty, and when it would have been exceedingly inconvenient to have convened parliament. This representation served only to enhance the favour conferred by Mr. Boyd, and to establish the relation between that transaction and the negotiation of the present loan; for to relieve the minister from difficulties in which he had involved himself by improvidence or extravagance, was too great an obligation to be easily forgotten. He might have negociated a short loan in September, which would have ope-

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rated as a present supply till after the holidays; but this, it seems, could not have been explained to France, nor would it have given that power half the idea of our financial superiority which she must necessarily have formed from such a highly-creditable transaction, as raising money by means of fictitious Hamburgh bills! Mr. Fox adverted to that part of the Report which related to Mr. Morgan. That gentleman had expressed himself in his evidence consistently. It had been said, that Mr. Morgan appeared to be angry with the minister on this occasion. Was that unnatural in a man, who felt that he had been insulted with a mockery of competition? He had lost that which was the object of his heart, the loan, and therefore there was nothing wonderful in his anger. Mr. Morgan had said he would have made a bargain for the loan, which would have been better for the public than this. Here was at once, then, the best of all possible evidences, the *evidentia rei*, that the bargain was an improvident one. Why, it was asked, did Mr. Morgan not bid above Mr. Boyd by his proxy in the House of Commons when the subject was debated, up to the whole amount, which he stated the public to have lost? The answer to this question was plain, and Mr. Morgan had already given it. He did not bid for the public good, but for his own good, and therefore, when he was bidding to the House of Commons when they were called upon to ratify a bad bargain, a sum considerable enough to make that bargain much better for the public, the less he advanced the better for himself. Such was the admission of Mr. Morgan; and he had not the smallest scruple to declare, that he felt as much willingness to believe a man who thus admitted that he wished to take care of his own interest, as he who pretended, in money matters, to have nothing in view but the public good. Here, then, we had a man preferred by the minister, with whom transactions of a very suspicious nature had been carried on, and this preference had cost the public an immense sum of money. What was he to say, on such a case? What could he say, but that the minister proceeded upon some motive or other that, from the circumstances and the manner of it, had rather the appearance of a bad than a good one? It had certainly operated to the very great detriment of the public at large, and to the ill character of the pecuniary concerns of this country.—Mr. Fox next proceeded to take notice of the different causes, which the minister had assigned for the rise in the price of the funds soon after the loan was contracted for, and declared that he was clearly of opinion, that the king's message, which came to that House on the day after the budget, was the chief cause of that rise. The right hon. gentleman contended, that the news of the Austrian victories, had a considerable share in promoting the rise. These victories, let it be recollected, were pretty general known before the 25th of November. The rapid decay of the French finances was assigned as another cause of this political phænomenon. He begged, however, to know, whether, after the 25th of November, the French finances had decayed so rapidly, that even the most sanguine calculator found his calculations far short of the truth. He was the more surprised at hearing this language when he recollected that about eight months ago they were described as being in the agonies of death, in the very gulph of bankruptcy. All arguments respecting the decay of the French finances, he considered as so many childish and contemptible pretences to veil the suspicious conduct of the chancellor of the exchequer. When the right hon. gentleman was obliged to have recourse to such pretexts, in his opinion, no accuser could say more against him. He concluded with maintaining, that the terms of the loan were much more extravagant, not than the country had paid at some former times, but in comparison with the terms which might now have been obtained, by free and open competition; and gave it as his opinion, that the chancellor of the exchequer had been guilty of a breach of duty.

Mr. *Sheridan* said, that every possible method had been resorted to that day to mislead the attention of the House, and draw it away from the main question for consideration? No corruption on the part of the minister had been insinuated by his hon. friend; but he never could forget, that the chancellor of the exchequer, had himself, some years ago, made a similar charge against a noble friend of his, then the minister of finance*. The

* Lord John Cavendish, chancellor of the exchequer during the Coalition Administration. See Vol. 23, p. 769.

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right hon. gentleman had been one of the first at that day to raise a cry against his noble friend; he was therefore of all men the least entitled to complain, in terms of indignation and haughty resentment, that something should be said which might be considered as an implied censure of the transaction of a bargain for a loan made by himself, and attended with circumstances of a most questionable nature. A committee above stairs had been appointed. The examination had been chiefly in the hands of the right hon. gentleman's personal friends. He did not, therefore, envy the right hon. gentleman the triumph termed his acquittal; because he owned, had his public conduct as a minister of finance, been to have been made a subject of inquiry, he should not have considered a report in his favour from such a committee, a very honourable ground of pride or exultation. The report of the committee, he considered little better than a mockery, and rejoiced that he was not one of those who were responsible for it. — Mr. Sheridan then touched upon the several circumstances of the loan in a general manner, and declared, that his own opinion of what gained Mr. Boyd the preference was the transaction of the Hamburgh bills, a transaction which, he had a right to say, tended to tarnish the national credit, as the governor of the bank had not hesitated to declare, that if such a transaction had been operated by a private merchant, it would have been deemed a disgrace to his house. When he reviewed the chain of singular circumstances, that connected the different parts of the transaction, when he considered how extremely suspicious they were, the manner in which the inquiry had been conducted, the points left unexplained, and the sort of reasoning that had that day been set up in defence of it, he could not but withhold his assent from any resolution of approbation.

The House divided on Mr. Smith's first Resolution:

Tellers.

Yeas	Mr. William Smith Mr. Jekyll	23
Noes	Mr. Steele Mr. Douglas	171

So it passed in the negative. Mr. Douglas's Resolution was then put and agreed to. After which, the previous question was put and carried upon the first thirty-eight Resolutions. The 39th and 40th were negatived; and the following moved by Mr. Douglas, passed in their stead, viz.

"Resolved, 1. That it appears to this House, that the terms of the loan were fixed with a due regard to the magnitude of the sums borrowed, and provided for, as well as to the market price of the funds, and the situation of public affairs, at the time the bargain was concluded.

2. "That it appears to this House, that, in every part of the transaction of the late loan, the conduct of the chancellor of the exchequer was actuated by a view to the public interest; and that there is no ground to suppose that any interference took place on the part of any persons connected with government in the distribution of the said loan."

February 29. Mr. Jekyll brought forward his promised motion respecting certain Treasury Bills bearing a fictitious date at Hamburgh, and moved the following Resolutions:

1. "That it appears to this House, that, in the month of September 1795, Walter Boyd, esq. did, at the request of the chancellor of the exchequer, undertake to advance money for the use of government to the amount of one million, for which he was to reimburse himself by bills to be drawn upon the lords commissioners of the Treasury, to be accepted by them, and negotiated at his own convenience, and that bills to the amount of 700,000*l.* were drawn in London on the commissioners of the Treasury, in the name of Walter Boyd, jun. bearing a fictitious date at Hamburgh, several weeks preceding the time at which, with the privity of the chancellor of the exchequer, they were really drawn in London; and that the said Walter Boyd, jun. is a gentleman not engaged in any house of business at Hamburgh.

2. "That it appears to this House, that the amount of the said bills was immediately paid into the office of the paymaster of his majesty's forces, in direct breach of an act of parliament, and that the said bills, though drawn in London, yet professing to be foreign, and not written on stamped paper, were of such a nature and description as the Bank of England would have refused to discount for any commercial house whatever, and such as it would have been injurious to the credit of any private house to have negociated.

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3. "That it appears to this House, that the practice of drawing such bills of exchange, not duly stamped, with fictitious dates of time and place, accepted by the lords commissioners of the Treasury, and causing the monies raised thereon to be immediately paid into the office of the paymaster of his majesty's forces, is illegal, unconstitutional, and highly injurious to the public credit; and that the chancellor of the exchequer, by the introduction of such practice has brought into disrepute and suspicion the acceptance of his majesty's treasury, and sanctioned a system of fraud and collusion unprecedented in the administration of the finances of this country."

The motion was supported by Mr. Grey, Mr. Francis, sir F. Baring, Mr. W. Smith, Mr. M. Robinson, and general Smith. The conduct of the chancellor of the exchequer was defended by Mr. Charles Long, who moved the previous question upon the first resolution. On a division, the numbers were, Yeas, 24; Noes, 109. The second resolution was negatived. On the third resolution, the House, after Mr. Pitt had been heard in place, divided; Yeas, 8: Noes, 108.

Debate on Mr. Curwen's Motion for the repeal of the Game Laws.] March 4. Mr. *Curwen* rose, and addressed the chair as follows:—I now rise, Mr. Speaker, to submit to the House, a motion for the repeal of all the prohibitory statutes relating to Game, and for leave to substitute provisions in their place, for the more effectual preservation and security of the same. I am well aware of the prejudices which every considerable change has to encounter; first, from such as are enemies to all reform, and, secondly, from those who, though no friends to the Game laws, are fearful their abolition would prove the destruction of the game. Before I proceed farther, I must declare, if I conceived any thing in this measure could have such a tendency, or in the smallest degree, render the residence of gentlemen in the country less pleasant, or in any ways interfere with their amusements, I should have thought I did an injury rather than a benefit to the community by my motion; sensible that the residence of gentlemen in the country is a most desirable object, and tends much to the happiness of the bulk of the people, could I suppose, what I was about to offer, would in the smallest degree, interfere with any inducement to gentlemen's spending their time and fortunes in the country, instead of moving for the repeal of the game laws, I should have contented myself with offering a modification of them. Sir, I protest I have the clearest conviction in my own mind, that, if the House should adopt the proposition, I shal make to them, it will greatly increase the quantity of game, prevent those unfortunate misunderstandings that but too frequently interrupt the peace and harmony of neighbours, and at the same time remove the odium which the present tyranny of the game laws and unjustifiable monopoly occasions, and unite every landholder in the wish to preserve and protect the game. Of so long standing, and so deep-rooted are the sentiments entertained of the injustice and tyranny of the game laws, that it appears impossible to confound them with any of those principles, the alarm of which so powerfully haunts the imaginations of many gentlemen at the present moment. Had I any occasion for stronger proof than what every gentleman's own observation would furnish, as to the general execration in which the game laws have long been held, I might cite that great constitutional lawyer, sir William Blackstone, who represents their tyranny as little short of the forest laws, and repugnant to every principle of justice.* Sir, it would have been impossible for laws so contradictory to the spirit and principle of the English constitution to have existed at this time of day, had they been carried into general execution; sufficient instances have occurred to keep up the resentment of the country, but not sufficient to call forth the united voice of the nation for their repeal. Sir, it is the boast of Englishmen to hold their liberty as a right, not as a boon. If the laws be such as cannot, ought not to be executed, does it become the legislature to suffer them to remain upon our statute books? A security from oppression that rests upon forbearance, is not a situation under which 1,990 out of 2,000, or even a greater proportion of Englishmen should be suffered to remain. Sir, it was accounted wise policy in former statesmen to attend to the changes which time and circumstances produced, and to alter and adapt the laws, to meet the exigencies of the moment. Our present system seems the very reverse, and, without adverting

* Commentaries, Vol. 4, p. 416

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to the astonishing revolution of the public mind, we appear solely occupied by means of harsh restrictions and increased severity of penal statutes, in keeping things up to the standard of former opinions. Sir, so wide, so extended is the diffusion of knowledge, through almost every country in Europe, that such governments and such laws as are not calculated honestly and fairly to promote the general ends of all government, the happiness and prosperity of the people at large, will be submitted to with reluctance, and can only be supported by force—a weak reliance against the collective body of the people, and never to be depended upon. However harsh such opinions may be in the ears of some gentlemen, and however we may wish to shut our eyes against them, they are too much founded in truth to be denied. So circumstanced, every motive of wisdom and policy should call upon us to rescind a system of law that violates every principle of justice. For upwards of 700 years the game laws have been a constant source of grievance and complaint to this kingdom. What I have to propose will have nothing of novelty or innovation. It is simply to restore to the landholders at large, that which the tyranny and usurpation of William the Conqueror robbed them of; with the Norman conquest came the game laws amongst other innovations of oppression and injustice. The laws then established for the protection of the game, are so severe and tyrannical, that it is impossible to consider them without the strongest emotions of horror and indignation. Good God, sir, that it could ever enter into the head or heart of man, to contemplate in the same point of view, and punish as equally criminal the murder of a fellow creature, and the killing of a miserable deer! To what a wretched state must the inhabitants of this island have been reduced, to content themselves with complaining for 150 years of the atrocity of such laws! The Carta de Foresta granted in 1224, mitigated the severity of the game laws, and disfranchised many of the forests. It was considered as an acquisition, on the part of the subject, little inferior to Magna Charta itself. The laws from this period to the first prohibitory statute, made the 13th Richard 2nd 1389, seem to have principally in view the disarming the people. It may not here be improper to advert to the doctrine advanced by Blackstone and others of the right of the crown to the sole property in the game, either as lord of the whole soil or in right of the prerogative of the crown to all things which have no owner. As generally as this doctrine has been received, I am strongly inclined to the opinion of a late learned and ingenious commentator on sir William Blackstone (I mean professor Christian) who has, I think, with the most complete success, refuted this opinion, and shown clearly the crown had no such right. Lord Coke has delivered himself strongly to the same effect: that the licence of the crown was necessary for the erection of parks and warrens, but that every man might pursue hunting and hawking as matter of pastime and amusement. The statute of the 13th Richard 2nd, confirms the general right, and only narrows the exercise of it to persons possessed of 40*s.* per annum. and clergymen with benefices of 10*l.* And this on the ground that servants and others misemployed their time in the pursuit of game. The statute of 11th of Henry the 7th, restrains the killing game on any man's freehold against his consent, under a penalty of 10*l.*, which was a very considerable sum at that period. The prohibition of Richard 2nd, continued without alteration till the 1st of James 1st, when they were increased to 10*l.* freehold, 30*l.* leasehold, or 200*l.* in chattles, sons of esquires, and persons of higher degree. The intermediate laws relate chiefly to restrictions respecting arms, and breathe the same spirit of tyranny and oppression which characterizes every law relative to this subject, the statute of the 11th of Henry 7th excepted, which guards to every freeholder the game upon his own property; by the 22nd and 23d of Charles 2nd the qualifications are advanced to 100*l.* freehold, and 150*l.* leasehold, and persons of certain degree; but all qualifications from personal property were omitted. This is a period of our history in which neither sound policy nor a scrupulous attention to the interest or liberty of the subject is to be looked for. In a country whose very existence depends upon commerce, any insidious distinction between the landholder and the commercial interest was unwise and unjust, was even upon the principles of the restrictions themselves; which profess to have in view no other object but the preventing of improper people from mispending their time to the injury of themselves and the public.—

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Sir, to the subject of prohibitions, I wish principally to call the attention of the House. The tyranny and justice of restraining any individual in the exercise of a right at the arbitrary and unconfined pleasure of the legislature, can be justified upon no principle, nor defended upon any policy. It is a complete system of monopoly of a few, upon the right of three parts of the landed interest. I know of no particular quality that gives to the possessor of an estate of 100*l.* a right which might not, with as much or more propriety be given to one of less value. Extent of estates dpends so much upon local situation, that a property of 100*l.* per annum, may be but a few acres on which no game is bred, whilst an estate of half the value in a distant part, may be of considerable extent, rear and feed a quantity of game; and yet the owner must not touch it, under penalties that may be so exercised as to fall little short of his ruin. Sir, if prescription might be pleaded, the game was from the earliest period considered as the right of the proprietor of the land, and the first restriction seems to have been directed against persons, who could not follow it without evident ruin to themselves. The law prevents any man from going upon the property of another; and yet restrains him from the enjoyment of what is the produce of it as much as the grain. The impolicy of this restriction is only exceeded by its injustice; and nothing could operate more forcibly to defeat the object it has in view, the preservation of the game. The harshness and tyranny of these laws inspire so general a disgust and abhorrence in the minds of all who are subjected to them, that it induces a large proportion of landholders to take every means to to destroy the game. Add to this what is suffered by feeding as well as by the pursuit of the game, and it will cease to surprise gentlemen that the game is so diminished. Sir, from the earliest period of the game laws, statutes have been made to prevent the destruction of eggs. Whilst it is the interest of the farmer to extirpate the game, which can be done that with impunity in defiance of any thing tyranny can devise, it is in vain to hope it will not be done. Sir, I cannot but lament that when a right hon. gentleman selected game as an object of taxation, the idea of which I am inclined to think he borrowed from Russia, that he had not accompanied it with the same measures which attended its introduction into that country, where, for once taxation was the parent of liberty, and produced the total abolition of the game laws. It is singular, that one of the most despotic governments in Europe should have been the first to have put an end to a system which had been a source of such oppression and tyranny; while it yet remains a disgrace to that country, which claims a pre-eminence in freedom. The right hon. gentleman's tax does away all necessity of restrictions, and puts it out of the power of persons who might injure themselves and the public, by mispending their time in pursuit of game. By the product of this tax, we may form some estimate of what proportion of landed interest has a concern in the preservation and protection of the game. The amount of the tax is little more than 40,000*l.*: after deducting what may be supposed to be paid by gamekeepers, there may be 12,000 persons who take out licences: allow to each of these persons an estate of 500*l.* per annum, and we shall find six millions to be the property that monopolizes the game; just one-fourth of the whole. Sir, though I believe this to exceed the real state of the fact, it is sufficient for my purpose to allow double that sum, and suppose the interest to be equally divided; what then, Sir, must be the consequence, when we make it equally the interest of every proprietor to protect the game? I think I am well-founded in supposing, that the repeal of these laws will amply repay the sportsman by an abundant increase of his sport: it may, indeed, call upon him to lay out something of what he now pays for the guarding of game, for the permission to shoot on the property of others. The strictest preservation of his own will no longer be considered as odious and oppressive. A worthy friend of mine has long practised a mode of protecting the game, which has answered every purpose, that is, by the payment of so much for every head of game, to the person onwhose estate the game is killed. A conduct so liberal has interested every farmer in the protection of the game: and the gentleman enjoys his sport with the good wishes of the people, who, so far from envying him his amusements, concur as far as they can to promote them. Contrast this with the conduct of those who, by the terror of the laws, endeavour to protect the game. The odium and ill-will defeat the purpose, and never fail, in the long run, to dis-

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gust those who attempt it.—The next point is that clause which empowers one magistrate to grant warrants to search houses of persons suspected of having dogs, nets, &c. on belief of the intention to use the same. How it was possible at any period since this country sat up a claim to liberty, that such an enactment should pass this House is matter of astonishment. A law more tyrannical and oppressive, never was devised; except by a subsequent statute, which extends this power to game keepers, who may seize any dog or net, and enter any house they may suspect; a power, perhaps, not often used from prudential reasons, as the other method puts it in the power of persons to exercise the tyranny without risk. Sir, to put a case by no means extreme: supposing the lord mayor of London should by accident be found upon the manor of a strict preserver of game, though able to contribute millions to a loan, if not possessed of a 100*l.* per annum in land, his dog might be seized with impunity and hanged before his face. Vain is the boast that every man's house is his castle; it may be violated upon suspicion of any unfeeling instrument of this despotism. Sir, it once fell to my lot to be obliged to grant a warrant upon this statute, and though no proof of usage was attempted, the dog being of a prohibited species was taken from the proprietor and hanged. I have no words that can convey the detestation I feel for this act. The other enactments for punishing the killing of game, are mild indeed to those now in force. By the 5th of Ann, the law professes the punishment to be no more than 5*l.*, or three months imprisonment; but by the mode it leaves to the option of the prosecutor to recover this penalty, it amounts to imprisonment for life. Thus, offences that have no shade of distinction are, according to the more or less feeling of the prosecutor, punished by 5*l.* recovered before a magistrate, or swelled to 60*l.* or 70*l.* by a prosecution in the courts of Westminster. What can be more unjust than to leave to the party injured the nature of the punishment he chooses to inflict? bad in all cases; but terrible indeed when it extends to the imprisonment of a subject for life. Too many have found their way into our prisons from the oppressive nature of these laws. It is high time they should be erased from our statute books, nor longer be suffered to insult the first principles of our constitution to which, in every instance, they are in direct opposition.—What I have farther to state to the House is matter of mere regulation and policy: should the House adopt my proposition, and restore to every land-holder the game upon his property, would it be consistent to prescribe to him the way in which he should enjoy it? The game being once under the protection of every proprietor of land, cannot be invaded without increased risks. And yet, Sir, in a country opulent as this, persons of a certain situation, not adverting to the consequences, will hold out temptations by giving extravagant prices for game. Persons will be induced to run all risks. Would it not, therefore, be better to let game come openly and freely to market? The price would be so reduced, as of itself to destroy the temptation to poaching, and the risk of detection considerably increased. For pass this law, and it will be no longer difficult to convict the poacher. The nature of the crime will be changed, and what was considered as only an attack upon the pastime and monopoly of a few, will be an offence again every individual. Is it just, to suffer laws to exist which we are ourselves the cause of tempting men to break? It is high time, after above 700 years of oppression to put an end to laws which have never, during the course of that period, been considered by the nation without execration and abhorrence. Not more than 40,000 persons in the kingdom are exempted from their tyranny.—My first view of this subject inclined me to stop here, and leave every man to defend his property by an action at law; but a farther consideration of the subject showed me I should have done little for that part of the community for whose right I am contending. An action in the hands of men of property is a ready and efficacious remedy; but totally out of their power to wield without bringing ruin upon themselves. Fortunately for me, without introducing any thing new, an adequate and complete remedy presented itself in the statute of the 11th of Henry 7th. What I shall now offer to the House as a substitute for the laws I propose to repeal is the renewal of that act with certain modifications. First, I propose that any person who shall kill any kind of game after a notice verbal or in writing from the tenant or any person entitled to the game, shall be subject to a penalty of 5*l.* for every head of game so killed, to be

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paid on conviction, or committed for one month to the house of correction for the first offence, and six months for every subsequent one. Simple as this plan is, it would answer every purpose. It is not one of the least beneficial effects likely to follow the plan I propose, that it will put an end to the frequent disagreements that are occasioned by game, and leave every person to pursue his sports without molestation. I move, Sir, "that the acts of 22nd and 23rd of Charles 2nd; the 1st of James 1st; the 4th and 5th of William and Mary; the 5th and 9th of Ann; and the 28th of George 2nd be read."—The same being accordingly read, Mr. Curwen next moved, "That leave be given to bring in a Bill to repeal the said Acts, or such parts thereof to be particularly specified, as relate to the Preservation of Game, and for substituting other Provisions in lieu thereof."

Mr. *Buxton* said, that the game laws ought not to exist in this country, but he could not entirely agree with the hon. gentleman, as to the mode to be adopted for the repeal of them. His idea was to make game private property. Every gentleman must be aware, that it was the right of every individual to protect his property; and game appeared to him part of the growth of, and belonging to the landed property of this country. He wished the hon. gentleman had gone a little higher in his history of the game laws. If he had, he would have found, that before the Norman Conquest, game was private property, and that it was recognized as such by the Roman law, which provided, that no man has a right to kill game on the land of another without his permission. Every law which did not equally affect the rich and the poor, could not be considered as a just law; and, in this view, he reprobated the game laws; for it was notorious, that a poor man was oftener fined 5*l.* for killing a partridge than a rich man twenty shillings for killing a hare. He would be understood, however, as not wishing to increase the penalty, but merely to equalize the operations of the law. He would not make it felony to kill game, for that would be worse than the law stood at present; but he would make it a misdemeanor. By the decisions of courts of justice the right of the lord of the manor was weak enough, and there was no occasion to diminish it; it had been decided, that he had no right to kill on any other ground than his own, more than any other qualified person, except in the case of a free warren. If the bill were brought in, he should wish it to be printed and the discussion of it to stand over to another session.

Mr. *Francis* said, he had no scruple to confess that he was not much acquainted with the subject, but as he considered it of great importance, he begged leave to make a few observations; and if he was not so well qualified as others to speak, perhaps from having no interest to support, he might not be the less impartial. He could not conceive how the hon. gentleman who spoke last could entertain an idea of making game private property, and not make the penalty attending on an infringement of the law, the same that he would make a penalty for the violation of any other kind of property. There was one principle which the legislature ought always to keep in view in their deliberations, and which he rose principally for the purpose of stating. Though no sportsman himself, he wished that the game should be preserved for the sake of sportsmen. To discourage poachers therefore was certainly important. The reason why he was particularly desirous for the preservation of game was, that while the capital presented so many attractions as it did at present to country gentlemen, and while it was at the same time of so much consequence to the country that they should reside for some time on their estates, he was anxious that the country should present as many attractions as possible, to render a return to their rural residence desirable. He hoped therefore, as shooting was a favourite amusement with many gentlemen, that his hon. friend who made the motion would provide that their sport should not be interrupted. He was induced to mention this in consequence of its having been suggested to him, that if his hon. friend's plan were carried into effect, that property would be so dispersed and interspersed, that there would be no sporting at all.

Mr. *Henniker Major* thought, that the consideration of the game laws had better be referred to a committee of the whole House.

Mr. *Jolliffe* could not consent to the destruction of the whole fabric of the game laws, unless some specific remedy was substituted in its place. He thought the total ruin of the game would be the result of so improvident a measure.

Mr. *Powys* agreed with the hon. mover

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in most of his sentiments on the subject; but thought the motion was not calculated to obtain the object in view. He did not approve of repealing the statutes, without substituting others of a salutary nature in their room.

Mr. *Windham* said, that being no sportsman, he had no interest in the game laws, as they touched the mere butchery of partridges. He was, however, no friend to the spirit of those laws, and to a general inquiry into them he would have no objection. Though even on an inquiry he would wish for more time to see what they should substitute for those parts they might prune away. The objections he had ever heard made to those laws were, that they were an invidious code—a system made for one class alone, and for the protection of amusement. These considerations produced a feeling which induced people to consider a breach of those laws by no means equally criminal as a violation of others. The consequence was, that men were more apt to break them, and that habit led them to violate others; the practice of poaching insensibly led to crimes, which were greatly injurious to the public, and often fatal to the transgressors themselves. Perhapsthere was no effectual means of preventing poaching but by repealing the game laws; but it was to be first well considered, whether the repeal would remedy the evils complained of without going farther. If a penalty was annexed, men would still act on the same feelings, and be as unwilling to enforce it. If no penalty was annexed, the question was, whether it would not go to extinguish the whole game of the country. Perhaps that would be no great evil; but the observation of his hon. friend (Mr. Francis) was an important point of consideration, namely, the propriety of preserving an inducement to men of fortune to make their estates in the country their places of residence; and this single circumstance might instruct gentlemen, who were fond of changing laws, in how many unforeseen collateral points society might be affected by a change, in its direct view, simple and salutary. He wished that no sudden or sweeping change should be adopted. On the point of invasion of rights, he could not agree with what had been stated as an encroachment. The simple fact of establishing qualifications in this instance was no more an encroachment on right, than many other institutions and qualifications to which no man would think of objecting. Indeed, there were very few institutions that were not necessarily clogged with qualifications of one kind or other. The objection, on the score of right therefore was mere fanciful, imaginary language; for supposing, as in the case of game, a property, which without restraining laws, could not be preserved—there then was a right to make provisions, or else the object would be lost. The general interest warranted the particular privation of right. In the case of air or water, of which there can be no fear of extinction, no laws were necessary; and therefore to make them property would be wrong; but if the object was subject to extinction, it must be guarded by laws, taking care that the right parted with, and the penalty did not exceed the value of the object preserved. With regard to the other principle laid down, that it was a violation of the rights of those wealthy men, who, from the nature of their property were excluded from the use of game, he had the same objection; he had often heard it, and always thought it a weak objection; as well might it be said that strength gave a right to wealth, as that wealth gave a right to use game. He wished for a modification of the game laws, but upon all general principles he felt a very great repugnance to accede to any sudden change in any ancient system.

Mr. *Fox* said, he hoped that no effectual opposition would be made to the motion of his hon. friend which was only for leave to bring in a bill, hereafter to be discussed. He should not offend the right hon. gentleman who spoke last by saying any thing upon the doctrine of natural rights. But although, on the principle of property it might not be absolutely unjust to make a distinction between the qualification to kill game and any other qualification, yet, on the principle of congruity and of policy, the game laws were indefensible, for by them, it appeared, that a great number of the most opulent part of the people of this country were not permitted to enjoy the luxury of sporting with game. This was obviously incongruous; it would be so in any state, and therefore improper, but much more so in that state under which we had the happiness to live. So much for the consistency of these laws. Was it not true that these laws were ineffectual? That they were almost universally broken? That there was no place whatever where game was not, or might not be purchased,

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contrary to these laws? What was the use of laws to prohibit the sale of game? As long as rich men wanted game, poor men would procure game. Was not that the result of the game laws. Did not that call for a repeal of the game laws? He would not say that he would never agree to a proposition that made that criminal by law which was not morally considered criminal; yet it was certainly clear that that law was best kept which declared that to be criminal, which the general feeling and sentiment of mankind regarded as morally criminal. That law would thrive. It would be generally obeyed. It always had been, it always would be, otherwise with a law which prohibited that which was not considered to involve any moral guilt, and therefore it was to be altered and avoided, and always would be altered and avoided, as much as possible, by every wise legislature.—The question here was, whether the good (if there was any) which was gained by these game laws, was so much as to overbalance the evil they were the cause of? It was urged that gentlemen should have great inducements to live in the country. Certainly they should; it was proper and beneficial; men of high situation in life and of large fortunes, were, undoubtedly, fit objects of the attention of the legislature in every point of view. He was willing to grant that care should be taken to protect them in the enjoyment even of their amusements. Be it so. It was, however, his opinion, that the repeal of the game laws would not tend to the diminution of that object; and that ought to go a great way, towards the repeal of those laws. He could not say, like his hon. friend, that he was quite impartial on the subject, because certainly he indulged in the amusements of sporting as much as his leisure would allow. So did the hon. gentleman who made the present motion. That could not render either of them, from the part they took in this case, the more liable to distrust by those who wanted to protect the game. With respect to the game laws, his opinion was, that there might easily be found a much better system than they were for the protection of the game, supposing the House to have nothing else in view upon the subject. He thought that the better way would be for the House to adopt the idea of an hon. gentleman, and make game private property. If he was bound to take his choice out of three cases, either that the laws should remain as they are, be totally repealed, and nothing else, or that game be made private property, he should certainly say, "make game private property." If, however, he was compelled to choose between two questions, whether these laws should remain as they were, or be totally repealed, and nothing else, he should have no difficulty in saying, that they should be all repealed without any thing being substituted in their stead. The greater part of these laws were so arbitrary, the principle which ran through them all was so impregnated with tyranny, that they were entirely unfit to exist as laws in a free state. Such was their principle. The practice arising out of them was equally liable to objection; for the penalties sued for must be solicited by parties who were generally too much affected by animosity to the party against which they sued. Nor was it always quite a clear case that the magistrate who pronounced the conviction was strictly impartial. The whole of the system was, in fact, a mass of insufferable tyranny, which no gentleman had ever ventured to defend in a direct way. If gentlemen thought proper to assert that the game laws tended to protect the game, he would answer them directly, that they did no such thing. He would ask any person conversant with the subject, whether, in point of fact, where game was preserved, it was not from the law of property, and not from the game laws? He was sure it was owing to the law of property, solely, that game was preserved. Where had game been well preserved, except where the holder of the land was the proprietor of it, and had the right by law to kill game? Had it been so where the holder of the land was not the proprietor, and had not the right to kill game?—He would say again, that the preservation of the game was entirely owing to the proprietors of land, and not to the game laws, and therefore it was the principle of property which protected the game. He spoke confidently upon this subject, and he was glad he spoke in the hearing of many who knew the matter better than he did. But what was the proposition of his hon. friend? Only that a penalty of *5l.* be imposed on a person who should, after notice, trespass on the land of another, and kill game there. He thought that game should be made private property. That was his opinion. He knew that the pre-

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judices of men were a long time in wearing out, and that was a point that was much to be considered, and great care to be taken of it; for would it be an easy thing to make the public regard game in a field, in the same light as any other property? To conquer that prejudice would require time, and the House might consider of that hereafter. The question, however, here was, whether the House would not agree to bring in a bill, to repeal laws which no man in the House defended in principle? Why not agree, then, to the introduction of the bill, and when it went into a committee, propose some substitutions for the laws? But although this was his opinion, yet the question, he was willing to confess, was not so pressing or so urgent that the House should not take time to consider it. That the game laws were really mischievous and created crimes; that they increased the number of offenders against themselves, and thereby increased the number of persons who were ready to commit other crimes, could not possibly admit of any doubt. He should hope, therefore, that the bill would be permitted to be brought in and would pass. He was perfectly sure, that the game laws were not good for the preservation of game. It seemed to be agreed that they were bad for that purpose: they could, therefore, be kept only (if they were to be kept) for the sake of the invidious distinction which they established.

Mr. *Ryder* opposed the motion, on the ground that without allowing opportunity for due discussion, it went to repeal an ancient system of laws, without proposing any substitutes. Respect to our ancestors demanded more deliberation, than at once to abolish a system established and long acted upon.

Mr. *Grey* was much obliged to his hon. friend for submitting the motion to the House. The length of time during which the nation had groaned under such vexatious and tyrannical institutions, was with him a reason why they should exist no longer, and he wished Mr. Curwen to move for a committee to inquire into the state of the game laws.

Mr. *Wilberforce* said, that the system of the game laws had long been held by him in the utmost abhorrence. Sooner than let them remain in their present state, he would readily vote, even for their unqualified abolition. But in applying a remedy, the House must have some regard to long existing prejudices. He should prefer submitting the subject to the consideration of a committee; but if it came to a question, he would give his vote in favour of the motion.

Mr. *Jenkinson*, although he considered the game laws in an objectionable point of view, was averse to any alteration in a system so long established, especially at a time, when every deviation from legal custom ought scrupulously to be guarded against. He did not see what advantage could be derived from making game private property, as the same temptation to poachers as now existed would still continue. Unless it was proved to him that grievances existed under the present code, he should oppose any change taking place in them; and even if abuses could be pointed out, he would not vote for a repeal of the present regulations, unless he found a practical and specific remedy proposed for them. He admitted that the principle of the laws was somewhat oppressive, but he believed that they had been followed up in practice with as much lenity as such a system was capable of admiting. Wishing, therefore, that the game should not only be preserved, but be preserved expressly for gentlemen, that their inducements to residence in the country might not be diminished; and being conscious that the objects in view could only be accomplished by a total abolition, in order to get rid of the question, he would move, "That the House do now adjourn."

The question being put, "That the House do now adjourn," the House divided:

Tellers.

Yeas	Mr. Jenkinson - - - Mr. Wallace - - -	27
Noes	Mr. Christian Curwen Mr. Buxton - - -	50

Mr. Curwen then withdrew his motion, and moved, "That this House will, upon the 11th instant, resolve itself into a committee of the whole House, to take the said acts into consideration;" which was agreed to.

March 11. The House resolved itself into the said committee, and Mr. Curwen obtained leave to bring in a bill for the Repeal of certain laws made for the Preservation of Game. The bill was brought in and read a first time, on the 17th; and

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ordered to be read a second time on the 29th of April.

April 29. The order of the day being read for the second reading of the bill,

Mr. *Curwen* said, that the general and leading principle of the bill he conceived no gentleman would dispute, viz. that of every land holder having the privilege of killing game on his own ground. This would, in a great degree, prevent the practice of poaching, which led to the commission of greater crimes, and be, at the same time, the best method that could be devised of preserving the game. He then moved, "That the bill be now read a second time."

Captain *Berkeley* said, that when a bill was proposed to abolish the whole system of the existing game laws, he expected it would have contained some grounds on which the propriety of such a measure could be fairly discussed. The essence of it seemed to be comprehended in the clause that allowed land-holders to kill game on their own grounds; and that was followed by a clause which would destroy the whole, as it would arm every cottager, who had a cabbage garden of half a rood, with a right to pursue game into gentlemen's grounds, on pretence that he had started the game on his own premises. This would occasion the utmost confusion, by taking away the privileges of landed property, and reducing all distinctions that usually resulted from it. One clause reserved the right of the lords of the manor, &c.: but while the bill extended the privilege of killing game to every landholder, and allowed him to pursue game where he thought proper, after he had started it, he did not think that the lord of the manor would find any account in having a game-keeper for the protection of his game, or that he would at all be able to preserve it. Another clause allowed any person to stop those whom they found carrying a gun for the destruction of game between sun-set aud sun-rise, and to take the gun from him. This was followed by a clause, that provided, if any resistance was made, the person attempting to apprehend the person transgressing, should be entitled to repel force by force, should he meet with resistance, and even to maim, kill, &c. A clause followed which indicated that it was framed rather to the West of the Isle of Man. It was, that the person who thought himself aggrieved by being thus hurt, maimed or killed, should be allowed to seek redress at the quarter sessions. He appealed to the House, whether the bill was such as could be sent to a committee, and he would therefore move, to leave out the word "now," and to add the words "upon this day three months."

Sir *Richard Sutton* thought that much contention among individuals, and great destruction to the game, would arise from a permission to every landholder to kill game on his own grounds, and to pursue it after it was started. The little proprietor would lay snares round every hedge, and as property was often intersected, it would be impossible for a man to pursue game without danger of exposing himself to a law-suit. He stated, that in Germany, there were three classes of game subject to particular regulations. He never heard that arrangements like those proposed existed in any other country. In these times of democratical doctrines, he did not hesitate to utter the aristocratical opinion that the game laws of this country were founded on good principles, and secured to the landed proprietors that superiority of privilege and of enjoyment which they could best exercise without injuring themselves, or interfering with any other pursuits. They likewise afforded to country gentlemen an inducement to live in the country; which was no mean object. He wished, however, that game should be brought openly to market, and exposed to sale. It was well known that rich merchants and citizens, who had no game of their own, were extremely desirous of this luxury, and fell upon means of obtaining it. He was of opinion, that those who were properly qualified should be at liberty to sell what they killed, and in this way the market would be supplied. With regard to poaching, he would increase the penalties to which the offence was liable, and put a stop to a violation of the law that was attended with such pernicious consequences.

Mr. *Buxton* thought, that every man should be equally entitled to enjoy what was upon his property; and, though no friend to equality in general, here he thought it was proper. As to the laws of Germany, God forbid that they should ever be introduced in this country! If all landholders had a right to kill game, the market would be better supplied. With regard to the latter part of the bill, he did not think it liable to the ridicule

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thrown upon it. If people came at night to kill game, means should be taken to prevent them from disturbing their neighbours by pursuing game at improper hours. There were many exceptionable parts in the bill, but he was friendly to its general principle.

Mr. *Fox* said, that he was a very warm friend to the principle of this measure, though some of the clauses of the bill might be thought exceptionable. He wished to abstain from general arguments; he hoped, however, the House would consider what the hon. baronet had advanced with regard to the German laws, as totally inapplicable to the question. What, he asked, was there in the British code to resemble in the least the laws of Germany? He was surprised to hear any thing like the introduction of them into this kingdom. The arguments, however, of the hon. baronet, as far as they were right, most assuredly went to the fundamental repeal of the game laws. He said, that in Germany (and he recommended the same regulation to be adopted here), game could be bought and sold at the public market by those who were qualified. How then did the matter stand? The lord of the manor might employ a game-keeper to kill his game; but the lord of the manor must sell it. He was firmly persuaded, that to give the land-holder his just right over the game on the grounds which he occupied, would be the best means of preserving the game. The land-holder had an indisputable right to the game on his ground, and much more so, assuredly, than the man who obtains a fictitious right to kill game, by taking out his qualification. With regard to poaching, he confessed he was no friend to it, but he would not go so far as the worthy baronet, and say, that he would have no mercy for poachers. But, if the worthy baronet entertained such an idea of the criminality of a poacher, a person whose situation might be some alleviation of his guilt, what did he say to those by whom he was employed? Were they not, in a moral point of view, equally, if not more culpable in inciting him to the violation of the laws of his country? He never could look upon the breach of the laws with more horror, as far as related to the poor, than he did with respect to the rich, who in many instances, conceived that they were free from guilt, as long as they escaped with impunity. When gentlemen called for vengeance against these unfortunate men, he could not look upon those with complacency who trafficked for boroughs, and purchased seats in the House of Commons. He could not persecute the poor poacher with indignant rage, without manifesting his detestation at the conduct of many of his superiors. To prevent the evil, the remedy, he maintained, was in the principle of the bill; for he insisted that, conformably to the doctrine of the most eminent writers on the criminal jurisprudence of this country, the game laws were not only ineffectual, but disgraceful to the nation. It was shocking that a penal law should exist which was daily broken, and with out the possibility of being enforced. And what was the consequence? The consequence was obvious; it increased the number of persons acting against law, who were, from their bad habits, the more liable to fall into other offences. Take away, therefore, the corner stone of these crimes, the temptation to the private sale of game; for in proportion as the laws were infringed with impunity, so did crimes invariably increase. This law so often broken, added considerably to the melancholy catalogue of criminals. If he were asked, would he repeal the game laws without any substitution? he would answer, certainly, rather than they should exist, without any amendment. But the substitute was provided by the bill, by making game private property. A reciprocal desire to oblige prevailed throughout this country between the tenant and landlord; and if the present bill, properly amended, was passed, gentlemen would not find themselves more restrained than they were at present in their amusement. He again pressed the House, if the preservation of game was its object, to give the land-holder an interest in its protection, and he called on the right hon. gentleman (Mr. Windham), whether in the great sporting county where he occasionally resided, it was usual for farmers to warn gentlemen off their grounds? The reverse, he believed, was the fact. Thus was the game, he insisted, diminished in consequence of the acts passed by our ancestors for its protection, as the farmers were indifferent as to the persons by whom it was destroyed. He would vote for the second reading of the bill, which might be amended in the committee, and lie over to another session.

Mr. *Pitt* said, that a considerable difference of opinion seemed to prevail both

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with respect to the principle of the bill, and the means by which its provisions should be enforced. The preservation of game seemed generally to be admitted on a real and solid ground of policy; and for his own part, he considered it in a more serious point of view and as productive of more beneficial effects than it appeared to be considered by some gentlemen, especially from its tendency to induce gentlemen to live in the country, where the hunting and killing of game afforded them an innocent amusement. It might, therefore, be laid down as a principle, that the preservation of game should be maintained, not by means oppressive and arbitrary, but by some regulation coercive and efficient. In viewing the degrees of right to kill game, as enjoyed by different orders of men in society, it was not from partiality, but from reason and reflection, that he would indulge that privilege in a superior degree to the higher orders of the state. From their situation and habits in life, it was an amusement better suited than to others, and their gratification claimed, he thought, the first attention. The second class, to whom a participation of this right might properly be given, were the occupiers of land, but in a more limited degree, and only on their own grounds; lest, by too liberal an indulgence in this amusement, they might be diverted from more serious and useful occupations. They ought to enjoy this privilege, however, merely as an amusement, and by no means on the notion of property; for property was a mere creature of the law, and though the law gave the farmer a profit in the ground under a lease, yet it granted him the right only of deriving from it such advantages as the labours of agriculture might fairly produce. This was not the law of England only, but of almost all countries. Nor was it on any general principle of property that the farmer was to enjoy this right, but only in a certain limited degree for relaxation and amusement, and as some encouragement to preserve the game, in the use and enjoyment of which he should participate to a certain extent. There was another class of men, he meant those qualified for the sport, concerning whom there would, he believed, be no difference of opinion. Yet, among other principles of the bill, there was one which went to enable such persons to avail themselves of this privilege. But was not this enabling them to poach and trespass on the lands of the proprietor, and giving them an opportunity of pursuing the sports of the field, not as an amusement, but as a livelihood? Such a law, in his opinion, would hold out an act of indemnity to poachers, who, for their own sake, and for the sake of society, should not be encouraged to engage in such diversions.—If game was to be made saleable, the poacher would be better able to supply the market, than any persons whom the law, or the proprietors of game, might permit or employ to kill it. The selling and carriage of game, though prohibited, were nevertheless daily practised; but if it was made free to be brought to market, the more there was sold, the more would there be destroyed. The poacher could procure it cheaper, and with much more ease, in consequence of having made it a study and a trade; he would, therefore, undersell the occupier of the land, or any other privileged person. The farmer also, if let into a share of the amusement of killing game, would, without very forcible restrictions, be tempted to make a lucrative employment of that which was granted only as a limited amusement. Upon the whole, therefore, he would advise the measure to be put off, for the purpose of more mature examination.

Mr. *Francis* was of opinion, that every possible encouragement should be given for the preservation of game. But he was also of opinion, that the moment the law gave a property in the land to the tenant, the same moment gave him a property in the game fed on that land. They might as well take away all his corn, and the produce of his industry, which was fairly his property, as allow birds and other creatures to come and devour it, without his having the permission to destroy them. He could not agree with the right hon. gentleman in thinking that the greater the quantity of game killed, the less would be the quantity of game on the whole. The contrary, in his opinion, would be the case; for if the farmer enjoyed the privilege of shooting and consuming game, he would feel an anxiety to take care of the eggs, and to promote the propagation of game, which, in the present system, from his indignation at the treatment he received, he was rather tempted to extinguish. He agreed that game might be made lawfully saleable; nor did he see any difference between the man who killed it, and the citizen who was supplied with it, only

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that the countryman was more eager to kill it, and the alderman more disposed to enjoy the luxury of feasting upon it.

Mr. *Sheridan* was a decided enemy to the game laws as they stood at present, considering them a code highly partial, unjust, and tyrannical. He agreed, that property was the creature of law; but surely it would be conceded to him, that the law ought to follow up its own principle and afford protection to what it created. Was it consistent with law, or common sense, to make it criminal in any man to kill the hare that fed upon his young corn? Was it criminal to remove that animal which eat the produce of his land, because it was necessary to the amusement of classes above him? He could not agree, that if game were made property, it would be more generally destroyed. In fact, the lower orders would, in that case, feel a greater interest in its preservation. He wished the subject to lie over to another session.

Mr. *Jenkinson* professed himself a strenuous advocate for the preservation of game, as affording a strong inducement for gentlemen to live in the country, from which greater benefits were derived to the nation at large, than seemed to be generally imagined. Many of the evils that existed in a neighbouring nation, were, in a great degree, occasioned by gentlemen not residing on their estates, and, by their absence, losing all influence over those who cultivated their lands. The making of game property would not tend to increase that property, but rather to destroy the diversion. As things stood at present, the farmer had a right to order off any gentleman who came to hunt on his farm; a right which he was never inclined to avail himself of, when he saw no damage would ensue to him. If the farmer was to share in the game, and regard it as his property, then, indeed, would he order him off; seeing otherwise that his property and profit would be injured; and in most parts of the country, if gentlemen were confined to their own estates, they would not highly estimate the amusement. As to what was said by an hon. gentleman, that property once given, all the consequences of property should follow, no notion could be more erroneous. In the case of a farmer and landholder, the law gave them that property but conditionally. The farmer had the land for other uses, and for other sources of profit, not indiscriminately for all. And this stands good in many analogies to the game laws; for instance, in the discovery of a mine, which undoubtedly does not become the property of the farmer. He had no objection to some mitigation of the game laws, or to giving farmers the right of sporting on their own land; but he could never agree to give them permission to sell the game. Were they restricted in that respect they might share in the amusement without any temptation to convert their right into an abuse.

Sir *J. Rous* said, he had conversed with many farmers on the subject, who all concurred in disapproving of the regulations proposed, as opening a source for continual contentions and disputes.

Mr. *Cocks* was adverse to the bill, on the ground of its attempting to introduce a change in the whole system of laws and government, which our ancestors had so wisely established and sealed with their blood: of that system, the game laws were a part, and if some of them were objectionable, they might be amended.

The question being put, That the word "now" stand part of the question, the House divided:

Tellers.

Yeas	Mr. Christian Curwen Mr. Crewe	17
Noes	Captain Berkely Mr. Sumner	65

The bill was then ordered to be read a second time upon that day three months

Debate on the Earl of Lauderdale's Motion respecting the Four and a Half per Cent Duties.] March 4. The Earl of Lauderdale moved, that the clerk should read various extracts from the Journals of the House of Commons in 1701, the act of the 10th of William c. 3; and the clause of the act 1st of queen Anne, c. 7, settling the civil establishment. The same having been read,

The Earl of *Lauderdale* began with declaring, that he would avoid canvassing the conduct of a particular person whom it might have been imagined he should have adverted to in consequence of a recent publication.* No man could more admire that gentleman's genius, wit, and

* The noble earl alluded to Mr. Burke's Letter to a Noble Lord on the attacks made upon him and his pension in the House of Lords, by the duke of Bedford and the earl of Lauderdale.

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talents, nor could any man more sincerely regret the manner in which they had been degraded on a late occasion. But nothing should lead him aside from the broad line of his public duty and the consideration of a subject which he regarded as of extreme importance. It related to the application of a fund which their ancestors had carefully dedicated to approprite purposes, and that at a period when the state of the country, and of its finances, demanded the utmost circumspection. Such was its importance, that lord Clarendon, in the articles against whom the misapplication of this very fund formed a part, declared, in answer to the tenth article of his impeachment, that the restoration of the prosperity of the country was, in a great measure, owing to the operation of this fund. He was well aware, that he laboured under a peculiar disadvantage in bringing this subject before the House at the present period. Such was the profusion to which their lordships were accustomed, that a misapplication of a smaller kind would probably attract but little regard. Those who were in the habit of making such enormous grants, might deem the fund to which he now called their attention, to be of comparatively small importance. He was emboldened, however, by the reflection, that reform was only to be effected by a minute display of the abuses that existed. The noble earl here entered into a history of the 4½ per cent fund. The Leeward islands, from whence that fund proceeded, had been first granted to an earl of Marlborough, and they had afterwards become the property of a lord Carlisle. After passing through some other hands, and during the confusions which prevailed in the last century, a lord Willoughby had obtained leave to go out with settlers upon payment to lord Carlisle of one-half of any profit that might be made. They came at last back into the possession of the crown, in consequence of a resignation from lord Kinnoul, a successor of lord Carlisle. So early as 1663, certain duties of 4½ per cent were granted by the assemblies of inhabitants, for the first time, for the defence and fortification of the islands. In 1701, an inquiry took place in the House of Commons on the subject of the misapplication of the produce of that fund, grounded on a petition presented from the merchants and planters of Barbadoes, and connected with the other islands in question, and in consequence of an instruction from a committee of the House, an address was moved to request her majesty to give orders to have the produce of the fund appropriated to the original purposes; an answer was received from Mr. secretary Vernon approving of the design, and an act was at length passed, placing the fund upon its proper footing, and limiting it to its proper objects. The point thus solemnly established, was confirmed by the practice of many years. It would be found that no pension had been settled upon this fund till that of lord Chatham. It had begun with the example of a very great man, and he hoped that the present distinguished character (Mr. Burke) would be the last on whom grants from this fund would be conferred. It would not be stated in excuse, that the remaining funds were sufficient for the defence of the islands. He had discovered that there had been an intention to provide out of that fund for a noble lord (Auckland) who had on a former day given an account of the transaction himself; he had traced the grant to the last stage, and found that the great seal had never been affixed to it. This could only have arisen from a conviction that it would have been inconsistent with the object of the fund. Though they were then startled with the impropriety of fixing any pension upon this fund, their scruples had since been overcome. They could now boldly stand forward and refuse all inquiry, though told that the revenues of the state were embarrassed and anticipated. He defied any noble lord to say that this was a fair transaction. He would remind the House, that in 1785 a message had been carried down to the House of Commons, representing that this fund was greatly burthened. It was stated by the finance minister of that day, that there was a debt upon this fund of 53,000*l.* and he likewise proposed to parliament to pay off this debt, and to transfer the allowance of the duke of Gloucester, of 9,000*l.* a year, from this fund to the general fund, both of which were complied with. If there existed any abuse in the management of this fund, it was the duty of parliament to introduce such regulations as should seem proper for its security. Whenever this fund was burdened, the public were called upon to discharge the arrear; but when there was an overflowing, it was made the pretence for filling the pockets of the sovereign, by clandestinely relieving the

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civil list. In the instance alluded to, the money was not only applied to the king's use without the knowledge or consent of parliament, but it was never brought forward, and was only discovered upon an incidental motion. Ministers might imagine they were doing their duty, while they were thus violating the laws of their country: it could only, however, be upon the principle of a fraudulent trader, who never imagines that he has swerved from honesty so long as he is able to escape detection. His lordship then moved, "That an Address be presented to his Majesty praying that he would be graciously pleased to give orders that the duty or imposts of 4½ per centum, arising in Barbadoes and the Leeward islands, be applied for the repairing and erecting such fortifications and other public uses, for the safety of the said islands, as his Majesty shall direct."

Lord *Grenville* said, he was glad to find that the noble earl had avoided any allusion to a particular individual (Mr. Burke); had he, however, chosen to introduce that topic, he was fully prepared to vindicate what had been granted to that individual, on grounds equally honourable to his character, and to the conduct of administration. In opposing the motion of the noble earl, he would not avail himself of the argument to be drawn from the novelty of the proceeding, in calling upon that House to come to a resolution with respect to the disposal of public money; he would take up the subject exactly as it had been stated by the noble earl. His lordship then entered into an examination of the right and propriety of appropriating the revenues of the islands to the civil list establishment. The islands were, he said, bought by the crown for a pecuniary consideration, of the representatives of the earl of Carlisle. Antecedent to this purchase, the proprietor had granted certain privileges, in the manner of quit rents, to those persons who cultivated the land and became settlers, while certain duties were levied upon them by the proprietor, which, as master of the island, he had a right to do; and these duties he levied without doubt or question as appeared by the formal avowal of the assembly itself, which considered them as his clear and indisputable rights. During the civil wars, the islands fell into other hands, who brought them, by care and cultivation, to yield a considerable profit, and thus titles were made to claims and inheritance, under the usurped authority, by encroachments upon private property, and the property of the crown, which afterwards became subjects of litigation, and were brought before the crown for decision; when it was determined, after such a complication of claims as were produced, that though they were forfeited to the crown, it was not competent for the crown to grant and devise them away; and it was well held by lord Clarendon, that it was not compatible with the interests or dignity of the crown, to dispossess the settlers, nor to deprive the descendants of the proprietors, to whom the grant had been originally made, of their legal inheritance. Accordingly, an agreement was made with the representatives of the earl of Carlisle, to consign their claim to the crown for a legal consideration; and as the duties which had been formerly levied, were very heavy upon the settlers, the crown agreed with the settlers to renounce all farther claim to the levying of those duties, upon the consideration of receiving annually in lieu thereof 4½ per cent on the possessions. By this agreement all parties were accommodated.—Lord Grenville produced five acts relative to this exchange, and read parts of them, upon which he insisted a doubt could not exist, that a free surrender of the per-centage was made for the use of the crown. So much, therefore, for the original claim. In regard to the appropriation of these resources, the original appropriation act expired in the latter end of the reign of king William, and two or three years passed without any notice being taken of the expiration, or the purposes to which the revenues were applied. It was afterwards resolved, however, that they should be appropriated to local purposes, to the improvement of the islands themselves, to the safety and defence of them, or to grants to persons for protecting them. It was unnecessary to refer to the history of those times, to show that the period in which such men as lord Somers and lord Halifax were impeached, could not be the brightest æra of our annals, because it was well known that the House of Commons of that day was not the purest that ever sat. It was at that period, then, and after the demise of the crown, that agents arrived from Barbadoes, to petition parliament for an act of local appropriation. This petition was referred to a committee of supply, who prayed the queen to make

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an appropriation of the revenues of those islands to the particular purposes for which it was requested; and thus parliament obviously considered them as parts of the general fund, and by their request, intimated that it was optional in the crown to grant them for that specific use, or not, as it thought proper: for it seems never to have occurred to parliament at this time, that the produce of the 4½ per cent would apply to those purposes, and to no other. The queen, as might have been expected, complied with this request; for no doubt, if at any period the Commons requested the crown to make a specific appropriation of a part of its revenues, a minister would act extremely ill, if he did not advise the crown to comply with the address. This, however, was a proof that the crown might, or might not, devise these revenues without an act of parliament. The application of it by statute in 1701 was, he had no doubt, meant as a slur upon the character of our immortal deliverer, king William; it was impossible to read that address of the parliament and not perceive that such was its tendency. These proceedings were confined, however, to the reign of queen Anne; for in an act of George 1st, we find the 4½ per cent excepted from the civil list, and not appropriated to the civil government: and yet no address was presented upon that occasion to the crown, nor was any resolution passed. Perhaps it might be said, that the appropriation was understood by the spirit of the act in the preceding reign, and that the successor was bound to the adherence to it. The best comment upon it was, however, founded upon the history of the transaction. In the very same year of the succession, an application of the revenue of these islands was made, as foreign to any one of the purposes assigned in the appropriation act, as the individual pension which was the cause of the present discussion. In 1714 a pension was granted out of these revenues to the governor of Bermuda, and the first article of the grant plainly shows that the parliament at that time considered these revenues as forming part of the revenues of the general mass of the British empire. He did not, however, rest upon that point only. In the whole course of a century, from that time to the time in which they were made use of for a noble earl, whose memory would he trusted, ever be held sacred by Englishmen, they had been applied to the service of the different colonies. In 1735, a large sum was applied to the government of Jersey. Was that island a part of Barbadoes, or had it any connexion or dependence on it? Nor was that all. Large sums had been uniformly applied to special services of the crown, not specified under any head of particular accounts. The largest part of the revenue of the island of Barbadoes, throughout the whole of the reign of George 2nd, was so applied, and, not to mention the grant to the earl of Chatham, it was conformably to this practice, that a grant of the same revenues was made to sir Thomas Robinson, who had served in one of the islands, and received a pension from this fund for his services, and afterwards received a farther pension from the same fund, without any doubt or question of such an appropriation. He came next to the consideration of the grant made to the earl of Chatham from this fund, at the beginning of a reign when the civil list of the crown was new modelled, and it was disputed upon what fund it should be settled, and when all the other acts relative thereto were carefully recited; when those acts were examined by the first law characters this country had to boast of, and when Mr. Pratt and Yorke were the attorney and solicitor generals. Lord Hardwicke and lord Mansfield had also concurred in the same opinion, and from that period, scarcely a man who had filled the office of attorney or solicitor general, or a man who had been in the treasury, could be found, who had not been a party to grants from these funds for other purposes than those assigned by the appropriation act. If the question at present, therefore, were to require no other precedent and authority than that, he would rest perfectly content with a defence which had been confirmed by such men as lord Hardwick and lord Mansfield. When a message was brought down to the Commons in 1783, to inform them that these 4½ per cent revenues were not adequate to the demands upon them, what did parliament then do? Did it proclaim that all the grants upon these revenues were illegal? Directly the reverse. It tacitly sanctioned every one of them, by taking off a part, and charging them upon the general funds. On what ground, then, was the right and propriety of any appropriation to stand, if the pension recently given to Mr. Burke would not stand on this? If the right of the

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civil list appropriation of this fund would not rest upon these statements, there was nothing like certainty in the constitution. —"The pillar'd firmament is rottenness, and the broad basis of the earth unstable."—The noble earl had charged ministers with secrecy in this transaction, and had said that it might have escaped detection some time longer, if it had not been seen peeping out by accident at the foot of the accounts upon the table. Now, he not only denied this charge, but contended, that there was no occasion for secrecy. Ministers had done that which was consonant with the practice of former periods. On these grounds, he resisted the motion of the noble earl.

The House divided: Contents, 6; Proxies, 4; Total, 10. Not Contents, 42; Proxies, 31: Total, 73.

Protest against the Vote of Credit Bill.] March 4. The following Protest was entered on the Journals:

"Dissentient,

1. "Because no Vote of Credit has, in any former war, been given or asked to the amount of more than one million; which Vote of Credit has also been invariably postponed until a short time before the rising of parliament.

2. "Because this mode of granting money to the crown is that which is at all times to be regarded with the greatest jealousy, and ought only to be adopted when there is a reasonable presumption that sums of money, of which no present estimate can be formed, may be indispensably necessary for the public service, at a period when parliament is prorogued.

3. "Because the enormous sum of two millions and a half, granted by this bill, cannot be said to be voted on any such presumption, inasmuch, as from the early period of the session, as well as from the state of the public business, there is no prospect or probability of a prorogation of parliament taking place for some time to come, and whatever sums may be wanted for the public service during the sitting of parliament, ought to be specifically voted by parliament itself, and not loosely provided for by a general Vote of Credit.

4. "Because the supplies for the year have been granted with an unprecedented liberality, and already amount to above twenty-four millions sterling; a sum fully equal to the utmost demands which his majesty's ministers have stated to be necessary for every expenditure which the national service requires.

5. "Because the extreme anxiety of his majesty's ministers to hurry this bill through the two Houses at so early a period in the session, and after such very liberal supplies already voted, leads us to suspect that this farther sum of two millions and a half is immediately wanted to discharge some secret debts which have been improperly contracted; or to defray the expense of some extravagant project not calculated to meet the eye of parliament.

6. "Because to give so extensive a credit so early in the session, is, in a material degree, to take from parliament, during the remainder of its sitting, the best security it possesses against the extravagance or corruption of ministers that constitutional security which arises from the power to control and direct the application of the supplies granted to the crown.

7. "Because, although we should on all occasions conceive it to be our duty to protest against such a measure, we feel it more especially to be so when we reflect upon the conduct of the administration with whom the present bill originates. The enormous sums expended on services not previously voted by parliament, exceed within the last three years, all former example: and we cannot but look upon the bill in question, as being part of a system which acts in contempt and defiance of those wholesome forms and regulations, which the wisdom of our ancestors devised for the protection of the public purse, against the encroachments of corrupt ministers. We are disposed to be liberal towards the crown, but we are bound to be just towards the people. We maintain that the most important duties of parliament are overlooked when the supplies are granted before the services are explained; and we solemnly protest against a measure which grants two millions and a half of British money for purposes which are kept secret from the British parliament.

"LAUDERDALE."

Debate in the Commons on the Bill for the Abolition of the Slave Trade.] March 3. Mr. Wilberforce having moved that the Bill for the Abolition of the Slave Trade, at a time to be limited, be now read a second time, general Tarleton moved to leave out the word "now,"

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and to add the words "upon this day three months." Sir W. Young thought the amendment wise, temperate, and highly expedient.

Mr. *Wilberforce* said, that as the sense of parliament had been repeatedly taken on the subject; as they had come to a determination of abolishing this horrid traffic in the present year; and as the sense of the House was so recently taken when he moved for leave to bring in his bill; he had imagined that gentlemen would let the second reading pass as they had done the first; and that in the committee they would merely consider of limiting the time when the disgraceful commerce should cease for ever. Gentlemen saw that he had not his friends about him; and hence they wanted to take him by surprise; but he assured them he never would be found off his guard in this business. He called upon them to remember, that whether the numbers present were small or great, that the decision of that night would be considered as the sense of the Commons of Great Britain, and he hoped, that, bearing this upon their mind, they would come to a decision favourable to the interests of mankind, and becoming the dignity of a British senate.

The question being put, That the word "now" stand part of the question, the House divided:

Tellers.

Yeas	The Lord Muncaster Mr. Robert Smith	64
Noes	General Tarleton Sir William Young	31

The bill was then read a second time.

March 7. Mr. Wilberforce moved the order of the day for going into a committee on the bill. On the question, "That the Speaker do now leave the Chair,"

General *Tarleton* said, that many classes of the community were deeply affected by the war, and that the adoption of this measure would aggravate their distresses. A variety of articles of manufacture were made merely for carrying on this commerce, which supported numerous bodies of mechanics; and, if it was abolished, their means of living would go along with it. The merchants of Liverpool had, at a great expense, built ships of a peculiar construction for the convenience of the trade, and if the bill passed, these ships would lie useless on their hands. Hence it would be incumbent on government, should the bill pass, to indemnify them for their losses. The encouragement given to seamen by the Liverpool merchants was a great source of naval strength to this country. Ministers had given commissions to many gentlemen for raising black regiments. By the bill these regiments would be emancipated. The disturbances in the West Indies rendered the present period very unfit for the abolition. The war had greatly reduced Westindia property; and the bill, if passed, would inevitably bring it to utter ruin. He would therefore oppose the Speaker's leaving the chair.

Mr. *Dent* contended, that the impolicy and injustice of abolishing the Slave trade at this moment were obvious. So far from serving the cause of humanity, it would encourage disaffection and rebellion, and instead of being a real advantage to the slaves themselves, would be a misfortune to them.

Mr. *Barham* was convinced, that the bill would not effect the abolition aimed at. Gentlemen, by such a measure, would hazard the security, peace, and prosperity of the colonies; and probably excite revolt and rebellion. A few months would show the impolicy of the bill: gentlemen would then see that they were wrong. This, however, would be little satisfaction to the planters, when their property was destroyed.

Mr. *W. Smith* said, that those gentlemen who had taken up the cause of the slaves in that House, did not want the abolition on the ground that they were ill treated by the planters. Were they ever so humanely treated, the trade itself ought not to be allowed on any principle of justice or humanity.

Mr. *Bouverie* declared, that his opinion on this business had been always the same: he was at all times friendly to the abolition; and surely, if the hon. gentlemen (Mr. Barham) was sincere in what he said, namely, that the trade is now reduced to a non-entity, he need not be so much averse to the bill before the House.

Mr. *J. H. Addington* opposed the bill on the score of humanity. He thought the immediate abolition would be attended with dangerous consequences.

Mr. *Milbank* said, that he had only one reason for voting in favour of the bill;

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the men who were the objects of it were slaves; a name odious to a British ear. The trade could not be tolerated, on constitutional grounds, at any time; and hence, at all times, he would decidedly support its abolition.

The question being put, "That Mr. Speaker do now leave the Chair," the House divided:

Tellers.

YEAS	Mr. E. J. Eliot - - Mr. John Smith - -	76
NOES	General Tarleton - - Mr. Foster Barham -	31

The House having resolved itself into the committee, Mr. Wilberforce moved, that the trade should be finally abolished on the 1st of March 1797.

Mr. *Dent* said, that the period was much too short. It was little more than eight months. So long as Magna Charta remained, the bill would be a disgrace to this country. The very principle of it was hostile to the declaration of that great charter. It went also directly to annul the various proclamations that had been issued in favour of the slave trade.

Mr. *Buxton* said, that the slave trade was a disgrace to this country. He was glad that Magna Charta had been mentioned, for it formed a strong contrast to this abominable trade.

Mr. Serjeant *Adair* said, he had some concern for the reputation of Magna Charta, having often professed, and as often felt, great veneration for it. He had read it over many times, but he had never seen any thing in it that was favourable to the slave trade. This business, was, indeed, a disgrace to the nation; but it was not the abolition, it was the continuance of the traffic which created this disgrace.

Mr. *Dent* said, he would repeat it, that the proceeding was contrary to the express declaration of Magna Charta, that "right shall neither be sold, delayed, or denied." Now, if this bill passed, would not right be sold, delayed, and denied? What was the committee now doing?

Mr. Serjeant *Adair* said, that before we talked of right, we ought to establish the existence of that right. He denied the existence of our right to enslave others: he knew of no origin to the right of slavery in this country; he knew of no power that the legislature of this country had to protect the slave trade; and he must protest against the authority, if any such there was, for that protection. He agreed, however, that right, in this case, was sold, delayed, and denied: right was sold when the Africans were sold; right was delayed when the abolition of the slave trade was delayed: right would be denied when the legislature of this country should refuse to put an end to a traffic which created misery and promoted murder.

The question was put and carried. After the other clauses of the bill had been agreed to, the House being resumed the report was received, and ordered to be taken into consideration on the 15th.

March 15. The order of the day being read for taking the report into consideration,

Sir *W. Young* said, he objected to the bill, in every point of view in which it could be considered. The principle of it was founded in injustice, and every clause was replete with tyranny and oppression. He addressed the House upon this subject with the strongest feelings. He felt for the West India merchants and planters, who would be consigned to inevitable ruin, if this bill were to pass, and he felt for his own property in the West Indies, of which this measure would necessarily deprive him. He begged gentlemen seriously to consider what were the provisions of this bill, and what were the means by which those provisions were to be carried into execution. In the first place, in order to facilitate prosecutions under this act, the West Indies are to be taken to be in the county of Middlesex, and therefore, in every prosecution, the cause must be tried at that immense distance from the residence of the planter; they must come into England, and leave all their concerns, to defend every prosecution. This, in itself, was a most intolerable hardship; but there was another still greater. The penalty imposed for the violation of this act was no less than fourteen years transportation to Botany Bay. This was a severe punishment even upon a guilty man; but under this act, an innocent proprietor might be made liable to it by the act of his overseer. He begged the House to consider what must be the effect of such a sentence as that of fourteen years transportation to Botany Bay, to gentlemen of rank in society, of polished manners and of extensive connexions. The bill would also terminate

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all spirit of adventure, all incitement to industry, all thirst of emulation, for hitherto it had been the hope of overseers to rise in the world, so soon as they had obtained that employment; and the means they had of doing so was, by saving a portion of their wages to purchase two or three negroes, which they let out to the planters for hire. Such had been the progress of our blue-coat boys and apprentices who had gone out to the West Indies; but such, if this bill passed, would be their progress no longer. Henceforward, the planter would be subject to the penalties of the bill without any share in the offence. With him would rest the *onus probandi*, since upon the malicious information of any overseer who might be detected in importing slaves for his own advantage, he might remove the whole weight of the transgression, and swear that it was done with the connivance of his master. Every gentleman of character and fortune would be liable to lose his reputation, to suffer in his estate, and be separated from his wife, his children, his country and his dearest connexions. Nor would the interests of the West Indies be injured only, but the interests of this country, which he was ashamed to call the mother country, since, by this bill, it had already forfeited that appellation, would be injured with them. The bill might, with propriety, be called a bill of general foreclosure. Every mortgagee in this country upon West India estates, would have the whole of his security withdrawn. Was this the return for the services of the West India planters in the present war, who, raised 3,000 blacks to act as pioneers and save the health of our army? He wished when gentlemen brought forward this bill, upon the score of justice and humanity, that they had included a little justice and humanity towards the planters within the pale of their benevolence. He wished them to remember what had been the conduct of the colonies. He could not but remember it, for he had relations there who had uniformly acted with loyalty and courage. He had a nephew, who, at the head of some black troops, had been fighting for territory in the island of Guadaloupe, and he hoped to be restored to his estates. What did his expectations with many others amount to, if the present bill passed? After having been dispossessed of his property, after encountering danger and fatigue, and hazarding his life to recover what he had lost, after becoming a party in borrowing the loan of 1,500,000*l*., advanced to the sufferers by this country, he was to be burdened with a debt which he could never hope to discharge, and was to be numbered, perhaps, in the general exile from Great Britain. As to the bill itself, it was problematical as to the means of putting the clauses into execution; it was problematical also as to the manner of executing them: for it would be the cause of bloodshed and horrors on the coast of Africa, as the slaves would be put to immediate death, if the commerce was suddenly to cease. He hoped the House would weigh this, and would pay some respect to the trading interest of London, Liverpool, Bristol, and Glasgow, which would be ultimately ruined if this bill passed into a law.

General *Smith* prefaced his observations with stating, that he had no property in the West Indies, nor had he any friends or connexions there to influence the part he took; but he should be wanting in his duty to himself and to the country, if he did not meet it openly, however unpopular his opinions of the abolition might be, or however subject to calumny. He then desired the act of the 9th of queen Anne to be read, to show what the proceedings of parliament were in 1709 and 1710, and compare them with the present. If the right hon. gentleman opposite had been for the continuation of the slave trade, the whole House would have rung with the injustice of this bill, but that right hon. gentleman had said, that no consideration of policy ought to weigh with humanity. He admitted the preamble of the bill to be true, but then it was true one hundred years ago as well as at this time; and yet the parliament at that time gave the preference to the policy of the measure, and by that means encouraged our trade, our commerce, and our shipping. We were grown wiser than our ancestors, and now we said that they were wrong in the principle upon which they acted, although we felt the good effects of their proceedings; for who would presume to say, that it was not owing to the wise regulations he had just referred to, that our commerce was at present so extended? If the hon. gentlemen who introduced this bill had said, that it was to prevent the cultivation of new grounds, he would have said the truth. How different, then, was such a proceeding to the proceeding in 1709-

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10, when 103,000*l.* was given—to do what? to cultivate new grounds and encourage the importation of negroes for that purpose! How did it clash, also, with the proceedings on a late occasion, when 1,500,000*l.* was ordered for the defence of the colonies! Was the right hon. gentleman opposite ready to say that he would provide funds for the risk that would be incurred by this bill? He feared not, and therefore advised him to be cautious how he carried it into execution, or we might be threatened with the loss of the colonies, to the utter ruin of England. Gentlemen might go home to their dinners or suppers, after voting for such a bill, and enjoy their luxuries at their ease: but it behoved them to have some consideration for those whom they thereby deprived, not only of luxuries, but of necessaries also. It had been said, that the continuation of the slave trade was contrary to justice and humanity; so was the act of pressing seamen; but if he attempted to abolish it, it would be defended upon the plea of necessity. Upon the same plea, then, he opposed the abolition of the slave trade. He wished to have justice and humanity shown towards the proprietors of lands in the West Indies, and to persons interested in the prosperity and cultivation of those lands in our own country, as well as to the negroes on the coast of Africa. Much abuse had been thrown out against the planters for their cruelty, &c., but the strongest proof of the falsehood of these accusations was, the alacrity with which the slaves turned out in defence of their masters and their property against the French. He said he should not look at any of the regulations in the bill, because he held the whole principle of it in absolute abhorrence.

Mr. *Francis* rose and said; — Mr. Speaker;—I really had no thoughts of taking part in this debate. My opinion of the slave trade is sufficiently known. But I confess I have not patience to hear what I have heard this day, without feeling indignation, and endeavouring to express it. The hon. general introduced his speech with premising, that he had no property in the West Indies, nor any connexion with those who had. Allow me in my turn to declare that, although I have no property in the islands, I once was intimately connected with some, who possessed a great deal. The person I allude, to had no relations but in my family. Her personal fortune was very considerable. The succession to the greatest part of it would undoubtedly have gone, as in justice it ought to have done, to her own relations, to whom she always expresed, as in common gratitude to me she ought to have felt, the warmest affection. Why was that just and reasonable expectation on our part disappointed? Because I did not yield to her earnest and repeated solicitations to vote against the abolition of the slave trade, or at least to be neuter. I voted and spoke for it, and she disposed of her fortune accordingly. The hon. general says, that we are very much at our ease, while we are voting away the property of others; that we go home to the enjoyment of our dinners and our beds, without thinking on the misery and ruin we are to bring on a great body of our fellow-subjects. Well, sir, of me at least it cannot be said that, while I neglected or sacrificed their interests, I was careful of my own. I acted with my eyes open, for I was distinctly threatened with the consequence. And yet I went home that day with appetite to my dinner as I shall to day, and slept soundly that night. Had I done otherwise, I should, have lost the quiet mind, without which neither can the luxuries of the table gratify the palate, nor the bed of down give repose. Forgive me, Sir, for speaking of myself in this manner. The facts I allude to are well known to every one who knows me. My object in referring to them is to obtain credit for my sincerity in the part I now take, even with those who may undervalue my judgment. The hon. baronet, in vehement language and passionate terms, complains of the enormous loss and injury, which the West India proprietors and planters are to suffer by this bill, without any compensation. I deny it as a fact. But, if it were true, let them begin by entitling themselves to redress, before they expect that the House will listen to their complaint. I answer them with the authority and in the language of English equity, ever since equity was known in England; "Do justice before you demand it." "Non feret æquum, qui petit iniquum." As long as you are guilty of an enormous injustice, on the very ground and subject matter of your pretended wrongs, the court will not listen to you, even though it were true that you had some equitable claim to compensation or relief. The hon. baronet says, that the preamble to the bill, in

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asserting that "the slave trade is contrary to the principles of justice and humanity," is a cruel mockery of the sufferings of persons in his situation, and that it adds insult to wrong. The hon. general, on the other hand, says, that it is nothing but the truth, that it was true a hundred years ago, and has continued so to this hour; and therefore, I suppose, he concludes it is too trite and notorious to be worth asserting. The hon. gentlemen agree better in their views, than in their principles. The hon. baronet says, that the state of the greater part of the West India proprietors is already sufficiently distressing, and in many instances deplorable; that their estates are mortgaged, for nearly the whole of their actual value, to merchants and other monied men in this country; and that this bill will annihilate the security of the mortgagees. Be it so. The interest then is in them, and from them we have had no petition. The hon. baronet's anxiety about the mortgagees is extremely generous, I confess; but, if his account of the actual situation of West India property be correct, the owners would suffer little or nothing, even by a general foreclosure. These gentlemen recommend it to us not to forget policy, while we are talking of justice; from which I can only collect that, in their minds at least, there is an evident distinction between policy and justice. In mine, Sir, they are the the same. If there be any circumstances of the present moment, or in the actual situation of affairs in the West Indies, which may render it prudent or advisable not to carry the measure of abolition into instant execution, his majesty's ministers, who have the best information on such points, and who are trusted with the care of the general interests of the empire, ought to tell us so. I must confide in their prudence. If, by withholding any necessary information of fact, they suffer the House to be misled, they are to answer for it. But, as to general and fundamental principles of policy, I want no instruction from any man. I know that it is by justice only that great empires can preserve their greatness, "sic fortis Etruria crevit," and that, by abandoning that principle, they insure their ruin. But, when argument fails, we are to be threatened if we persist. The example of the loss of America is held up to us by way of warning not to provoke the West India islands, lest they also should be lost to Great Britain. If this be a speculation only, I answer it with a better;—that the events and issues of human counsels are at the disposal of a higher wisdom than ours, and that those conclusions, which we most strongly dread and deprecate in prospect, are very often beneficial in the event. If it be a menace, I answer it with a fact. At the outset of that unhappy contest, the terror held out by those who promoted and those who opposed it, was the loss of America; by the former if we yielded, by the latter if we persisted. But all parties agreed, that the loss of America must be the ruin of Great Britain. America was lost; yet in spite of that loss, and of all that this country wasted and suffered in attempting to recover it, Great Britain has survived, and stood as firm and secure as ever; nor do I know with certainty that, setting aside the expenses and calamities attached to the contest, Great Britain is essentially weakened or impoverished by the separation of America. The hon. general states it as an absurdity in the councils of administration to waste so many lives, and to squander such immense sums of money in expeditions to make conquests in the West Indies, while in effect they forbid the cultivation not only of any you may acquire, but even of those which you possess. Of what use are the acquisitions, if the importation of negroes be forbidden? Sir, it would be improper to enter now into the policy of these expeditions. That question is not before us, nor is this the time for it. But to the objection, as it is stated, the answer is obvious. On our principles, there is no contradiction between the policy of the expeditions and, the object of the bill. The two measures may be consistent, at least in the judgment of persons, who think and maintain, as I do, that the cultivation of all the lands in the West Indies may be effectually provided for without a farther importation of negroes from Africa. The hon. baronet complains of the extreme rigour and severity of the penalties imposed by this bill. My answer is, that if the purposes of the law be good, if the object be just and necessary, the penalties must be sufficient to enforce the execution, and insure the effect. Beyond that point, I allow, they ought not to be extended. On this part of the subject I call on the gentlemen of the long robe to give us their advice and assistance. It is properly

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their business and duty to watch the formation of all penal acts, and to take care that they neither violate the principles, nor extend the rigour of our English jurisprudence without absolute necessity. I must own I have my doubts, whether there may not be some foundation for the apprehension expressed by the hon. baronet, that the extreme latitude of the terms used in the first clause, by which the "procuring, aiding, or abetting" the importation of any negroes, is put on the same footing with the actual importation, and made subject to the same penalty of transportation for fourteen years, may involve innocent persons in the consequences of acts done without their participation, and even without their knowledge. Here again I call on the gentlemen of the long robe, to examine this matter, and give us their advice. The hon. baronet affirms and laments that, by this clause, men of birth, fortune, and education, polished and improved by manners and by learning, are liable to a punishment degrading as well as rigorous, and to be confounded with felons and criminals of the vilest denomination. I feel the force of the objection, and wish to have it considered. At the same time, I do not think it comes with a very good grace from the hon. baronet. When the sedition bill passed, he took no part to oppose it. He saw no objection then to the newly-created penalty of transportation for a seditious libel, on a second offence. By what sort of persons could that sort of offence be committed? By men of learning, genius, and education. He saw no objection, then, to the penalty of transportation in company with felons of every description, though possibly it might fall on such a man as Mr. Burke or Dr. Parr, or on persons the most eminent in the kingdom for literature and science. Such men, if they were obnoxious to government, would be prosecuted, in the first instance, on any trifling pretence, for the sake of insuring the penalty attached to the second conviction. The hon. baronet has different rules and measures for offenders, whose quality and character are the same. But justice ought to be distributed with an equal hand to all men. The class of the offender undoubtedly should be considered, as well as that of the offence. If, in this respect, the bill should be found liable to objection, it ought to be corrected.

Mr. *M. Montagu* considered it as no argument in favour of this trade to say, that it was permitted or encouraged by our ancestors; for, if they were wrong, it was no reason why we should persist in the error. The antiquity of a bad system was no justification of its continuance. The friends of the abolition had obtained every necessary communication on the subject. Parliament had heard evidence, and examined witnesses, and were convinced of the necessity of the abolition. Gentlemen had talked of their property in this trade; they therefore must have a bias upon the subject; but those who wished for the abolition had no interest one way or the other; they acted only from conviction, and a sense of their duty. It appeared to him, that upon this question, all the eloquence, all the argument, and all the justice was on the side of the abolition. The House had already voted for the abolition; they were therefore bound in honour, and consistency to vote for this bill.

Mr. Secretary *Dundas* said, that he had found himself called upon, in discharge of a public duty, to come down to the House that evening, not without considerable personal inconvenience, to oppose a measure, which, if carried into execution, would not only not be productive of good, but the cause of much mischief. He knew he had the misfortune, in entertaining this opinion, to differ from some honourable friends, for whose judgment he had the highest respect, and of the integrity of whose intentions he was well convinced. Though no subject had undergone more ample discussion, though every degree of evidence had been called in, and every species of argument brought forward, all that had passed in the course of seven years debate, had only tended to confirm him in the truth of the propositions which he had originally laid down. And those propositions he would re-state, as they contained the grounds of all the opinions which he had formed. The first was, that admitting the African slave trade to be founded upon injustice and inhumanity, and that it would be for the interest of the colonies that it should be abolished, this was not the proper time for the abolition. The second was, that without the cordial co-operation of the West-India planters it would be absolutely impossible at any time, by any legislative provisions, to effect an abolition of this traffic. He very easily foresaw the sort of reply which would be made to him:

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it would be said, "What! will you continue to commit injustice, robbery, and murder, because, if you don't, others will do it?" To this he would answer, that those who considered this question merely with a view to humanity, must give up the very ground of their argument, if they put it in that way; because it was absurd to talk of a wish to serve the cause of humanity, by throwing the trade into the hands of those who would not carry it on with so much mildness as we did. It would be very fair for gentlemen to say, they wished, by the abolition of this trade, to wipe away the stain which it had thrown upon this country; but it was absurd to say, they wished to serve the cause of humanity by it, because by the mode which they proposed, the very reverse must be the result. It had been stated, that America, Denmark, and other powers, were taking steps towards the abolition of this trade. He would state his opinion very fairly upon that point: he did not think it possible for England to abolish the slave traffic, unless other nations would also consent to its abolition. He did not like to speak about the power which this country had over the colonies; it was a subject which required to be handled with great delicacy; but he wished just to throw out a hint for the serious consideration of the House. If this point, of the extent of our power over the colonies, remained a matter of dispute, it might lead to the discussion of another question, which this country had not been accustomed to hear disputed. No man, who was able to form an idea of the relation which subsisted between the mother country and her colonies, could be ignorant of these points—that the colony was entitled to protection; that she was bound to send her produce to the mother country; and that she was to take, in return, the exports of the mother country, and not go to any other market for them. These were all points which admitted of no dispute. A question, however, had been started only of late, how far the mother country was entitled to prohibit that supply from being obtained by its colonies which it cannot furnish and which they have been accustomed to receive from the continent of Africa. And, if there was not something in this subject which precluded all considerations of policy, he conceived a full discussion of this question to be well worth the attention of the House.

But waving the question of right, he was decidedly of opinion, that it was out of the power of the British legislature to suppress the trade without the co-operation of the West-India planters. To this he knew it would be said—What! is the British navy unable to prevent the decrees of parliament from being violated? Who is the man that will maintain such an absurd position? He was that man, and in confirmation of his assertion, he would appeal to the experience of last year, when with 28 ships of war stationed on the coasts of two islands in the West-Indies we were unable to prevent a communication between these and other islands. Slaves would be smuggled into the British islands in spite of all the vigilance which could be exercised. The act offered an inducement to the West-India merchants to combat its execution. The conclusion was one which he would press, again and again, upon the House—that they ought impartially to consider whether those would most effectually attain the object of the bill, who proposed an abolition of the trade by slow and gradual means, whether those who best consulted the interest of the oppressed African, who were for abolishing the trade by gradual, conciliating, and natural steps, or those who attacked it with the high hand of head-strong authority, forgetful both of the parties interested, and the property at stake. He submitted it to the supporters of the bill, whether it was not worth while to mix a little conciliation with their provisions; to mix a little concern for the interests of the colonies, with those manly and just feelings for the fate of an oppressed nation. He was afraid that the whole mode of proceeding had tended to engage the West-India planters in one common interest; or rather, perhaps, in one common passion, against their best interests. Aspersions of the foulest kind had been thrown out against the West-India planters, as a collective body. They had been represented as a band of savages, and as disgracing the country from which they claimed descent. There was no species of obloquy with which they had not been besmeared: there was no tale of reproach which had not been hunted out; no insulated instances of cruelty which had not been brought forward as characteristic of all the planters. Accordingly, the first sentiment which offered itself to the minds of the planters, was a desire to vindicate

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their own characters. Come, said they, with one voice, let us exculpate ourselves from the imputation of these crimes, the disgrace of which will descend to our posterity, and make them ashamed to acknowledge us as their ancestors. The common injury which their character sustained, united them in one common cause.

Mr. Dundas then adverted to the provisions contained in the bill. The penalties were rigorous: but he was not inclined to quarrel with them if the object of the bill was admitted to be proper. If he had been the framer of the bill, however, there was one clause which he certainly would not have admitted, viz. that by which the planters were invested with the power of removing negroes from one island to another. After acquiring an attachment to the soil, and being in some measure a second time domiciliated, to be separated from a wife, a son, or a relation, and conveyed to an island to which he was a stranger, seemed to him to be one of the cruelest situations in which the unhappy African could be placed. This power, however, might be reserved to the planters as a proof of the attention which had been paid to their interests by the framers of the bill. There was another clause, however, to which this observation would not apply. When a vessel, laden with negroes, was found at sea, what was to be done? The unhappy wretches were to be sold, and, as a recompence for their miseries, a moiety was to be given to the informer! Was this consulting the interests of injured humanity? He allowed the principle of the bill to be just: he thought that the African slave trade was contrary to justice and humanity, and that it ought to be abolished; but he had no hesitation in saying, that it was not possible for parliament to give effect to the bill at the present moment. For he repeated, that, from the experience of last year, it would be absolutely impossible to prevent the smuggling of slaves from one island to another. And, upon this ground, he submitted to the House, whether it was possible to abolish the trade without the co-operation of the planters? He expected to have found something on the face of the bill, which would have shown that parliament paid some attention to the interests of a respectable body of men, who had put their property under the protection of the legislature. But in this he had been deceived. It was stated by an hon. general, that the trade had existed for a great length of time. And the reply to this was, that its ancient standing ought to make us the more anxious to get it abolished. Ought we, in justice to the memory of our ancestors, to testify so much eagerness to throw upon them the stigma, of having so long encouraged a trade of inhumanity and injustice? But, independently of all considerations of this sort, the answer itself was not a fair one; for, certainly, the long duration of any system, was an argument why it should not be abruptly exploded. It had not, however, been sanctioned by a mere acquiescence on the part of the British parliament. Foreign merchants had been goaded and stimulated by this country, to embark their capital in the trade. It was unnecessary to refer to all the acts of parliament which might be quoted to prove this proposition; but what he argued from it was this—not that the trade ought not to be abolished, but that the legislature ought not to overlook the interest of any of the parties concerned; that while they acted upon the enlarged principle of granting justice to all mankind, they ought not to neglect the municipal and provincial interests of their own country.

The property vested in the West India islands had been calcutated to amount to between seventy and eighty millions, twenty of which were reckoned to be British. This claim of interest, though it had been much inveighed against, the planters had a right to state; and if the legislature was imposing any hardship upon them, their creditors had a right to complain. Four years ago he had proposed a gradual abolition, but when he proposed this, he never lost sight of appointing a commission to inquire into the amount of the injury which the planters would sustain, so that parliament might provide for their indemnification. The want of such a clause, was a capital objection to the present bill. If the bill, in its present form, were to go out to the West Indies, and if the planters were to be considerably inflamed by its contents, let gentlemen recollect the sort of provocation they had had from attacks upon their character as well as their property. In his opinion it would be wisdom on the part of the House, to pause before they came to a decision; to mix some measures of conciliation with their zeal; to mix

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some parental care for the colonies with their ardour for the general interests of humanity; and to send out a commission along with the bill, to inquire into the amount of the damage which would be sustained by individuals, and the mode in which it might be most easily repaired. He shuddered when he anticipated the effects of an immediate abolition. The trustees of infants would naturally be led to look sharply after the revovery of that property of which they were the appointed guardians; and, if that was the case, did they really mean that all mortgages should be for ever foreclosed, without stepping in to prevent it? Courts of equity had sometimes thought fit to interfere, in order to prevent foreclosures; and such interference was, in his opinion, no less worthy of the legislature, when they considered the lamentable effects which accrued from them in the present instance. A considerable part of the property in the West India islands rested on credit, and an immediate abolition of the slave trade would expose the planters to all the rigour of their creditors. Some of the planters in the island of Tobago were bound to keep a certain number of negroes upon their estates; and when that island was taken by the French in the last war, some of the estates were seized by a judgment of a French tribunal, because they had not the proper number. In such instances, the abolition of the trade would amount to a confiscation of the estates.—He hoped it would not be said, that the last four years in which the planters were left at liberty to import negroes without restriction, was a sufficient reparation to them for the injuries which they would sustain. For, from the particular situation of the islands, it had so happened, that those islands which most needed supplies, were not in a condition to receive them. Jamaica, in which there was abundance of negroes before, had remained quiet. But, had St. Vincent's, which had been in a state of devastation; had Grenada, which had been in a similar situation; or had Dominica, which had been in a state of rebellion, reaped the benefit of the suspension? They certainly had not.

But this was not all. He had heard it stated as a matter of doubt, how far it was sound policy in this country to retain her West India islands, because we had not suffered from the loss of America; and one gentleman, on a former evening had proposed, as an instrument to enforce obedience to our decrees, to menace them with independence. The right hon. secretary animadverted warmly on this expression, and to show the importance of the islands, he called upon the House to attend to the following statements.—The imports from the British West India islands in 1795, amounting to 8,800,000*l.* the revenue arising from which was 1,624,000*l.* The shipping was 664 vessels, employing 8,000 seamen. The exports from this country to the islands in 1794, amounted to 3,700,000*l.*, employing 700 vessels and 12,000 seamen. And the produce of the West India islands imported into this country and exported, amounted to 3,700,000*l.*, forming a great proportion of our foreign export trade. He asked, if these were objects worth the consideration of the legislature or not? If it was not a crime to talk of policy in the House of Commons, was not some caution necessary before we attempted to try experiments on an object of such importance? Were the gentlemen who used such language quite clear, that if we were to abandon our colonies, America would not take them under her protection, or that no other power would reach out a fatherly hand to offer them protection? The Americans could scarcely fail to avail themselves of that occurrence, and incorporate or ally themselves with the colonies; and then, although the effect would not be immediate, our trade and commerce would rapidly decline. It was preposterous for a grave assembly of legislators, or, indeed, any set of men, past the rash and giddy period of youth, to treat that possible contingency with indifference.

He could not, for these reasons, avoid warning the House against passing the bill, without taking some steps to convince the planters that their interests should not be injured. To give the planters only a little longer time, would be doing no good to them, but much injury to the country. It might benefit, indeed, a few African ship-captains and slave-jobbers; but, by encouraging a great and rapid importation of aged negroes into the colonies, it would endanger their peace and security. There was only one way in which, in his opinion, the abolition could be safely effected—instead of limiting the number of slaves imported, to confine the description to those under a certain age. For this purpose none ought to be imported above above the age of twenty. The practica-

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bility and expediency of this measure he vindicated from a proposition made by the assembly of Jamaica to the British government, that it would allow them to lay a tax of 7*l.* upon the importation of every negro above the age of thirty. This proposition was not acceded to by the government; but it showed the opinion of the assembly, both as to the practicability and propriety of the scheme. And if it was practicable to distinguish such as were under thirty, it would be much easier to distinguish those who were under twenty. Formerly, there was a great disproportion in the sexes of the slaves, because the planters had no other idea of keeping up the population than by importation; and, therefore, the population was certainly not now in a state, that promised an internal supply sufficient for the purposes of the plantations. These were the grounds upon which he should oppose this bill, which he did most earnestly and emphatically. He applauded his hon. friend's godlike endeavours to abolish the trade, and believed him to be actuated by the best of motives; but he hoped he would weigh these circumstances before he proceeded any farther. The world must decide upon the conduct of those who took different sides upon this great question. The principles of a man were not shown by having fine speeches in his mouth about humanity and justice; they were shown by his conduct. He trusted he had as much feeling as those who were perpetually talking about it; and he should treat an insinuation to the contrary with the contempt it deserved. He gave his opponents full credit for the goodness of their intentions, and trusted they would act with the same candour towards him.

Mr. *Fox* rose and said:—As the right hon. gentleman seemed, in some part of his speech, particularly to allude to me, I am desirous to take this opportunity shortly to give my opinion on the subject of the debate. When, Sir, we consider his abilities, his opportunities of acquiring information, and the great attention which he has paid to the subject, we may flatter ourselves that we have now heard the whole force of the argument against us. When I say against us, I am aware that I do not use the most parliamentary way of speaking; but I must confess, that I have been so long engaged on one side of the question, that I have now formed a strong predetermined opinion. I do not affirm that I am not to be shaken by reasoning, but so intimately interwoven is my conviction, that I cannot easily be persuaded, that any reasoning can be found to induce me to alter it. There were many parts of the speech of the right hon. gentleman, which must be considered as highly favourable to the cause of those who are friends to the abolition. The whole of his argument is a complete answer to those advocates on the other side, who contend, that the question ought to be left at rest, that the discussion is highly improper, under the peculiar circumstances of the present time, and that it ought not at all to be agitated. I am happy to find that the right hon. gentleman and myself agree in our premises, however we may differ with respect to our conclusion. He admits that the trade is not only inconsistent with humanity and justice (and I should suppose, when I had got that I had not much to ask), but with policy and prudence in time of war. It appears, then, that we only differ as to the mode of abolition.

The right hon. gentleman states a powerful objection to our mode, if it be well founded; namely, that it is impracticable. Let us examine it, as contrasted with that mode of abolition which he has himself proposed, and see to which of the two this objection of impracticability may most justly be applied. First, the right hon. gentleman states that our mode cannot be carried into effect without the consent of the planters, which we cannot expect to have. I have no hesitation to state, that if to the accomplishment of the abolition of the slave trade, we attach, as a necessary condition, the consent of the planters, we do not see the question in a fair and manly light. What ground of hope have we, even from their professions, that they will ever be induced to give their consent to such a measure? And if we advert to what has been their conduct in every former instance, we cannot have the smallest prospect that such an event is ever likely to take place. On a former occasion, I trust I may make the allusion without any irregularity, [Mr. Fox here alluded to the line of argument adopted by Mr. Dundas, when he proposed his plan of gradual abolition], I remember great pains to have been taken to hold two different languages to the different parties in this question, to persuade the planters that if they did not accede to terms of gradual abolition an im-

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mediate abolition would be effected; and the enemies of the trade, that if they did not accept of their object upon the same terms, there would be no abolition at all. This attempt to persuade both parties completely failed. It did not succeed with me, because I was persuaded that the abolition might be effected in a different manner; and I have not understood that it has gained one proselyte among the West Indians. The right hon. gentleman says, that whatever laws may be passed the traffic in slaves will not be extirpated, and that the whole of the navy of England cannot prevent illicit intercourse. I am fully aware of the truth of this position, and of the inefficacy of laws to suppress any commerce which holds out the tempting prospect of high profit; but this refutes the reasoning of those who condemned the severity of penalties imposed by the present bill; as it is evident that the rigour of the penalty ought to be in proportion to the difficulty of suppressing the offence. In this respect, therefore, the right hon. gentleman made the fullest defence of those penalties, which have been so much reprobated. On the penalties themselves he did not dwell much; in fact, he did not seem to take them at all into his consideration. When he asked, "Will it not be practicable to smuggle, notwithstanding the operation of the law?" ought not another question to have suggested itself, "Is it not also possible that those concerned in smuggling may be detected?" May it not be expected, that the law will at least have some effect in securing the object in view; that in some instances the vigilance of its operation will arrest the criminal; and that in others the contemplation of its penalties will prvent the offence? But another objection is, that these laws cannot be executed without the co-operation of the West Indians themselves. Are there not already laws in force, prohibiting any intercourse between the West Indians and North America, for the purpose of procuring provisions? Has there been found any deficiency with respect to the observance of those laws? And yet provisions may be purchased more easily than slaves.

Allusions have been made to an expression brought forward by me on a former evening, and repeated this night by an hon. friend of mine. From the construction put upon that expression, I conceive that it has been misunderstood. My hon. friend did not say, "the West Indies are of little consequence, let them go;" he merely answered a speculation that the consequence of the abolition of the slave trade would be the loss of our West India possessions; a speculation which, by-the-by, is very uncertain. To the assertion on the one side, he only opposed an assertion of his own, that even if the speculation of the loss of those islands should be true, we should be as well without them: and then came in the case of America. On that subject, I confess that I hold a different opinion. I consider the loss of America as a grievous misfortune to the British empire. I always should be inclined to coincide with those prudent men, who are not disposed to risk any great stake on the chance of speculation; and if even, in the contest between Great Britain and her colonies, I had been of the opinion of the Dean of Gloucester, that the independence of America was desirable, I should not have ventured to have acted on that opinion. But in this case, if the West India planters should present the alternative, "either we will separate from Great Britain, or continue the slave trade," I should have no hesitation. I would say, "Separate, go to America, or if you think proper, go to France." When I threaten them thus, I mean to convey, that the separation would be infinitely more inconvenient to them than to Great Britain, and that they are but little prepared for such a step.

The right hon. gentleman entered into a detail of the amount of the importations, but was afterwards obliged to admit, that not much stress was to be laid on a calculation of that sort. He entered also into a speculation with respect to the rivalship of America in point of manufactures. The probability of what this country may suffer from such a rivalship, I consider to be very remote. The extent of land to be cultivated in America, compared even with the increasing rate of population, must retard such an event for a great number of years. But when I venture to put the case of the loss of the West Indies, I talk so from a certainty that there is no danger of such a separation, and from a firm conviction that it cannot be the result of the present bill. As to the point of right, I affirm that, from the nature of the connexion, no right can be more unquestionable than for the legislature of Great Britain to interfere in regulating the external commerce of her colonies. The right hon. gentleman says, that if you

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cut them off from one branch of trade, you become yourselves bound to supply the deficiency. In point of fact, the argument is not founded, for you have already interdicted them from many branches of commerce, which you do not supply. But what is the extent of his argument, as applied to the present case? To say that you are bound to supply the West India planters with slaves with your own hands and your own capital, till such a time as those gentlemen are convinced that no fresh supplies are necessary, is to suppose that you have formed something like the worst of all contracts. It is to suppose that you have sold yourselves to the devil to the end of time, and are engaged to do his service, without the possibility of redemption. When the right hon. gentleman talks of the danger to be apprehended from slaves newly imported from a country, where neither from religion, morality, nor philosophy, they have acquired any laudable sentiment or good disposition, where neither precept nor example has concurred to form them to amiable manners and habits of virtue, what is the obvious inference? If there is one country in the world so peculiarly unfortunate, so totally depraved, is not this wretched picture of our nature owing to the existence of that abominable traffic, which thus tends to eradicate from the character any thing amiable, or even human? Can there exist any obligation to be the conductors of such a trade? We cannot have made such a contract. If we have, it is one of those few contracts, which ought to be violated.—The right hon. gentleman, in taking notice of the particular clauses of the bill, lamented that there should be one, enacting, that those slaves, who are already in the islands should be taken from one island to another, and thus separated from the connexions they may have formed. If he conceives the attachment which binds them to the place they have once inhabited to be so strong, with what sentiments must he contemplate the separation which they, in the first instance, experience from their native soil—that separation which breaks asunder all the bands of nature, which tears them from every object of sympathetic fondness, from every scene of early endearment?—With respect to the clause which enacts, that those negroes who shall be attempted to be brought over for the purpose of illegal commerce, shall be sold, and the money applied to particular purposes, I certainly shall regret its operation, and sincerely wish that any other mode of disposing of them could be suggested. It is urged against us, "You say, that they are unjustly torn from their friends and their country: why, then, do you not take the means to restore them?" If it were possible to secure this object, I should grudge no expense with which it might be attended. But one of the evils of this robbery is, that it leaves no means of restitution. Should we attempt again to convey these poor wretches to the coast of Africa, they might only be left to perish by famine, or be exposed to a repetition of the sufferings which we now deprecate; and this circumstance in itself I can only consider as a fresh stigma which attaches to this abominable traffic, and a more convincing proof of its foul atrocity.—As to the practicability of the different plans, so far as they are connected with the question of the co-operation of the colonies, if the plan of abolition can be carried into effect with the consent and co-operation of the colonies, my plan is full as easy and practicable as that of the right hon. gentleman; but if it must be enforced without their consent, his plan is more difficult in execution, and less certain in its operation than mine. Evasion becomes easy, in proportion as distinction is difficult. Would it be harder to punish a man for importing negroes, or for only importing them above a certain age? In the one case, the enactment is broad and positive, and removes at once all difficulty and deception; in the other, the distinction is matter of intricacy and doubt, and opens a wide door for imposition and subterfuge.—But is the right hon. gentleman authorized by the West India planters to state their co-operation in the plan which he has proposed? Have they not constantly opposed the utmost obstacles to every step which has been taken in this business? Did not the act to prevent the exportation of negroes to other islands meet with the opposition of those who are enemies to the abolition? Their co-operation we cannot hope for, and never shall have.—Doubts have been attempted to be raised with whom the right rested to decide upon this question. Unquestionably, the assembly of Jamaica may decide upon matters of internal jurisdiction, but it belongs to the parliament of Great Britain to regulate the concerns of external trade. It is not fit that the as-

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sembly of Jamaica should take upon itself the province of the British legislature. Yet such is the scope of that reasoning, which goes to affirm, that this trade cannot be abolished without the consent of the colonies. With respect to the existence of a supposed engagement sanctioning the trade, and pledging the faith of parliament for its continuance, whenever parliament at any time thinks proper to encourage a trade, it by no means binds itself either to carry it on, or to compensate for its abolition. When I opposed the commercial treaty with France, on the ground that it would be prejudicial to our trade with Portugal, I never pushed the argument so far as to contend, that because by a former treaty, we had encouraged the trade with Portugal, we were indispensably bound to afford it the same countenance, and not to divert commerce into any other channel. But what have we done this session and the last? We have, on the ground of the scarcity of provisions, entirely stopped a great trade, the distillery trade. No proposition can be more evident, than that whenever any motive of policy requires a trade to be suppressed, the legislature is immediately authorized in employing measures to suppress it. But the suppression of this trade is called for not only by motives of policy, but of humanity; and by what is far superior to any considerations either of policy or humanity—the principles of justice. The right hon. gentleman admits, that without some regulations the trade not only cannot be carried on, consistently with policy and prudence, but consistently with humanity and justice. When he admits this right of regulation, all question with respect to the right of interference is at an end. If we have a right to stop the importation of all slaves above twenty, why not stop the importation of all? The right hon. gentleman has taken notice of the unfounded calumnies circulated against the planters. Undoubtedly, a great body of evidence has been brought forward to prove, that many acts of cruelty have been perpetrated, under the sanction of this odious traffic. This, indeed, is no good reason why the planters, who partake of the characters of any mixed body of men, should be branded with one general stigma. It cannot, however, be denied, that wherever there is slavery, there will be abuse. If with respect to the West Indies, we judge of the national character from that which has always been considered as its best criterion, the national laws, we shall form no very favourable conclusion. What can be more detestable than the laws of Barbadoes? And if any thing can exceed the letter of the law of Barbadoes, it is the practice of Jamaica, as described by Mr. Bryan Edwards, a man justly entitled to every praise. I do not impute that spirit of cruelty to individuals; it is the inevitable consequence of slavery. This trade, it is said, has existed a hundred years. Slavery, it is to be lamented, is much older. We have had writers upon slavery among the ancients, and there we can trace the same effects, produced by this detestable practice, that we have occasion to witness in modern times. The authority of Aristotle has been quoted; and what does he say on the subject? "The Barbarians are slaves by nature, and made for the service of the Greeks." Finding the practice subsisting among his countrymen, this occurred to him as the most satisfactory mode of accounting for its origin; and in another place he says: "You must not introduce what is too improbable, even in fiction; therefore you must not represent a slave as a good man; for the character, though not impossible, is contrary to nature and to general experience." Nothing, indeed, can be more true than that all the virtues of man are allied to liberty: in the generous soil of freedom they take deep root, and acquire full vigour and maturity; their vices foster on the dunghill of slavery, and shoot forth with nauseous luxuriance.—But the right hon. gentleman says, that even if we were to abandon the trade from a principle of justice, we should gain nothing on the score of humanity. I will not repeat the argument so often enforced, that we ought to abstain from crimes without any consideration of the consequences: but I will ask, if we abandon the trade at the present moment, who are likely to take it up? Will the French, will the Dutch, will the Americans embark in such an undertaking? If, from a principle of justice, this great country takes the lead in renouncing this abominable traffic; if America bears testimony to the same cause, and France, already pledged by her own declarations, perseveres in the course she has adopted, may not this powerful example be the most effectual step to a final abolition? I ask those who questioned your right to legislate for Jamaica, what right you have to legislate

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for Africa? what right Englishmen have to tear the unoffending inhabitants from their native soil, and to devote them as victims of their avarice and cruelty? what sort of law that is which sanctions the commission of injustice? what sort of morality that is which teaches us to commit crimes because they are countenanced by the example of others?—But if the plan of the right hon. gentleman is most exceptionable in point of practicability, how does it stand in point of humanity and justice? What must we think if Great Britain, giving up the general point of her right to carry on the trade, and openly avowing its injustice, should still continue to exercise that trade with respect to the weak and the helpless? Is it of consequence for a nation to be moral? What impression, then, must it give to other states, that Great Britain acknowledging the injustice of the trade, and henceforth renouncing all privilege to traffic in those who have arrived at manhood, reserves to herself the power of preying on helpless infancy and unoffending innocence? Can a government be respected or respectable, which places humanity and justice in one hand, and policy and gain in the other? And yet, this must be the case if you do not abolish the slave trade, and still more so if you adopt the plan of abolition proposed by the right hon. gentleman. Of all charges, that of precipitancy is the least applicable to the supporters of this bill. If the other branch of the legislature should still be found to differ from us in opinion on this subject, let it not be the fault of the House of Commons that a traffic is sanctioned, which every man admits to be contrary to humanity, policy, and justice.

Mr. *Rose* said, that several provisions of the bill were of a nature which the House could not safely pass with any attention to the interests of the planters, or even with probable success to the object proposed. He was by no means an enemy to the abolition of the slave trade, which he thought could be effected without violence or personal injury, and even with the concurrence of the planters. To the time and mode in which it was proposed that this abolition should be accomplished, he could not but object. To the first provision of the bill, it was in his mind an insuperable objection, that it interfered with the subjects of other powers, by bringing them to trial in this country, if they were convicted of having violated this provision against shipping negroes from Africa. If a Dane or a Swede, for instance, chose to carry on this trade, his ship and cargo were by the provision subjected to confiscation, and he himself to the punishment of transportation, inflicted on him by an English jury, and an English judge. Would not a measure of this kind be an unjustifiable interference with the legislature of other powers, and expose us to difficulties, and even war with neutral nations? To the second provision, he also must object, inasmuch as it went to punish any British subject who should be convicted of carrying negroes to foreign islands; its operation, in this respect, would, however, be found to be partial; no one could deny, that an inhabitant of Ireland was a British subject; yet he could not be affected by this provision, though he carried on the trade it was intended to abolish; thus Cork and Waterford might be made to rise on the ruins of Bristol and Liverpool. To other provisions of the bill he also objected, as they tended to vest a discretionary power in the hands of the governors of our islands which might be liable to great abuses: as they were enabled to bring home any number of witnesses in defence of their own conduct, while they might keep back those who would vindicate the conduct of him whom they accused. Positive acts of parliament in favour of the slave trade, which decidedly pronounced, that without this trade our colonies could not exist, were to be found in our statute books. He was therefore against its being abolished abruptly, violently, and unseasonably, and without giving a fair trial to other modes by which the same object might be accomplished with equal effect, and infinitely less danger. The breed of negroes might, he believed, be increased in our own islands to the number necessary for their cultivation, he therefore suggested the propriety of proposing rewards for its encouragement. The promoters of the bill would defeat their own object, by the violence with which they wished to carry it into effect. Though a friend to the abolition, if the time and mode proposed involved no difficulty or danger, he must now oppose it, because the provisions of the bill seemed pregnant with both.

Mr. Serjeant *Adair* admitted the force of some of the objections started by the last speaker, but when duly considered,

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they would be found to arise from a misconception of the bill. The first objection urged, was the difficulty of bringing home a foreigner for trial; and it was argued that we could not make the subjects of neutral nations, amenable to our laws. Now, foreigners were not subject to the provisions of this bill, but in the single instance where they landed and sold negroes in our islands; and their punishment in such cases were recognized by the custom of every country, and by the principles of the law of nations. The act of shipping negroes on the coast of Africa, and exporting them to our countries, was made a crime in British subjects alone. That inconvenience might arise from the bringing of witnesses home from the colonies was true; but not in the extravagant extent insisted upon by the hon. gentleman. It certainly could be no hardship to bring the offenders home, where they would be tried by a jury of their countrymen. Besides, most of the offences might not be committed in the West Indies, but on the high seas, or on the coast of Africa. If any thing could be devised to answer the purpose, without the necessity of bringing the persons home, he should be happy; but in the present state of the West Indies, it was not to be expected that justice would be done upon any culprits by whom the law might be violated. He thought it was not for those who opposed the measure to object to the mode of disposing of the slaves taken which the bill proposed. After every day of their lives, contrary to nature and justice, treating human beings as a commodity, they surely could not find fault with their being sold for the benefit of the captors.—He would not admit that it was competent for that House to make laws to bind the Africans; much less could he admit its competency to define at what age they might be made slaves. The attempt to ascertain the age added not a little to the injustice and impracticability of the plan; for in no case did our laws recognize any reference to age, except in cases where violence was offered to females who had not attained a certain number of years. Upon the whole, he could vote but one way, and that was for the abolition.

Mr. *Windham* said, he rose to explain the doubts which he had felt upon this important subject; and, though he might entertain doubts, the sentiments by which he had originally been influenced were not altered. Even the late events that had taken place in Europe, which were sufficient to have reversed all former political opinions, and like an electric shock, to have destroyed the magnetism and polarity of the mind, had not overturned the principles on which his opinions on this subject were founded. All the havoc of the rights of man had not blunted him to the rights of Africans, nor had the example of French liberty reconciled him to African slavery. He confessed he did not think the subject had been argued satisfactorily on either side, or in such a way as to remove the doubts under which he laboured. On the points of justice, both parties seemed agreed; though arguments upon this head had been advanced, that he could not admit. Those who supported the abolition upon the general principles of justice were not consistent with themselves, if they admitted any thing short of the total abolition of the institution of slavery. This should be a caution how they embraced principle without qualification, or divested any point of the comprehensive relations, that might be involved in it. Both sides had unnecessarily dwelt on the topics of justice and humanity, to which all were ready to subscribe. It was requisite, however, to hear something more than the exclamation of "Fiat justitia, ruat cœlum!" —He did not think it was a proper view of the case to say that we could not legislate for Africa. It was to be considered in what respect our conduct to them was unjust. It violated as yet no municipal law, and slaves were procured sometimes by consent of the African states; so that we were influenced only by a general regard for the happiness of mankind. It was for the welfare of other states, then, that we were so much interested, and by which our conduct was to be guided. He recalled this to the recollection of the House, to show how inconsistent those persons were, who, in discussions of the present time, equally important as this, maintained that we had no business with general views of the welfare of mankind, that this was mere quixotism, and and made up of chimerical reveries, and that a nation had nothing to do but to consult its own interest. It was likewise held out as a principle, that we ought not to do wrong merely because others would do it, whether we did or not. That this was true was unquestionable; the point, however, was this—whether there would

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be a greater quantity of misery occasioned to mankind by our adding to the number of crimes, or whether the mass of guilt remained the same, if we continued to do the wrong or not? He thought the example we might give to others, and the effect this might have upon the conduct of others, was the great point of view in which the matter was to be taken. In the present case, the example of Great Britain, renowned and glorious as she was, in abstaining from the trade, where the number of individual states engaged in the trade was so small, would be of the last importance. It was unfair to argue, that parliament was only doing what it had before resolved upon, and the charge of precipitation was an unjust imputation on a case that had so long depended. Was not the state of the islands changed? Was not the state of Europe changed? Yes; great and awful changes had taken place, which made every attempt of the nature we were at present engaged in, attended with the most imminent danger, even to the very objects, in favour of whom the bill was brought in. There was now no question of weighing English gold against African blood, and the profits of Europeans against the miseries of Africa: these were things not to be compared: but there was a question, namely, weighing humanity against humanity, and comparing the means proposed with the probable attainment of the object. In the balance of evils, he would let the Africans remain some time longer in their former state, sooner than risk the dangers which a precipitate endeavour to meliorate it might draw on us. The planters themselves were already much disposed to alleviate their condition; and this disposition might be expected daily to improve from the mild operation of opinion, which was principally set afloat by the discussions which had taken place in that House on the subject. A time of peace, too, was preferable to a time of war. Bad effects might be produced on the temper of the negroes. Upon the whole, he should have been pleased that the subject had not been agitated at the present moment, and that it had been allowed to stand over though not laid out of view. He said that a plan* had been formed for the abolition of the slave trade by a friend of his (Mr. Burke) of the most extensive benevolence as well as comprehensive genius, which he had conceived many years ago, and intended to bring forward, had he not given way to the hon. gentleman by whom the subject was first agitated in that House, and to whom he had resigned it, careless by whom good was done, provided it was done, and from a conviction that it then came forward with better hopes of success. The plan of his right hon. friend he had viewed with that predilection which he entertained for every thing that his great wisdom attempted. The design of that plan was different from that of the hon. gentleman; it did not begin by abolishing the traffic, but by introducing such regulations into the treatment of the negroes, as would secure their propagation, and make the trade gradually die away. Next to such a plan as that, at the present moment and under the present circumstances, he should have wished no plan at all to have been adopted. Upon so important a question, he could not reconcile his mind to giving no vote at all, and seeing the doubts, as they appeared to him, it was with great reluctance that he should vote for the bill. Nothing could be more unpleasant than to act against principles, to the truth of which the mind had assented: he was certain of the principles, and could not be certain of the proper force of the objections; he would therefore follow that tenor of conduct which he had uniformly observed on the present subject, and vote consistently.

Mr. *Pitt* said, that as often as he had heard the question agitated, and as ably as he had always heard it argued, no reasoning, no argument which ingenuity prompted either by an honourable difference of opinion, or by an interested motive could suggest had operated to change his fixed and decided idea respecting the advantages of speedy and immediate abolition. He was so far from agreeing with his right hon. friend who spoke last, that the alarming events which had taken place since the introduction of the question into that House, were of such a nature as to make it advisable to alter the time and manner of abolition, that he felt such circumstances to be the strongest reason to induce the House to adopt the measure. Even the danger of principles at present afloat, made him draw an opposite conclusion from that of his right hon. friend, and in his mind justified his

* This plan will be found in Mr. Burke's Works, Vol. 9, p. 283. It is intituled, "Sketch of the Negro Code."

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contending that, with regard to the safety of the islands, with a view to the cause of humanity and justice, we should resort to an abolition without further delay. In every consideration therefore which he was enabled to give the business, that was his invariable opinion.—That the agitation of the business might create a dangerous impression on the minds of the negroes and the interests of the planters, if the bill was not passed, he was free to confess; and he felt no small degree of anxiety on that particular point. If he thought the measure was not likely to succeed, he had rather that it had slept in a temporary oblivion, till it might be brought forward with more safety and unanimity. When, however, the bringing it so often forward, appeared likely to advance the measure of abolition in the end, by preparing all parties for it; when he heard it asserted, from the best authority in the House, that since the subject had been brought forward the horrors so deprecated and lamented by all, had in a great measure ceased, he hoped the practical good of discussion would counterbalance the practical evil apprehended from agitation.—From the debates of that House getting abroad he saw no possible danger; much less could he conceive how they could create discontent in the minds of the negroes; they must see that most of the arguments were in their favour: if, nevertheless, there yet was danger in debating the question, he did not wish to probe their wounds still more, by going then into arguments upon the grounds of humanity and justice. He declared, he was astonished to hear such contradictory positions from gentlemen respecting the continuance of the trade. Would they, who apprehended such danger from the slaves already imported, continue to import a new mass year after year, and in the same breath contend, that such annual reinforcements cured the mischief that operated on the minds of the old slaves? If the danger was so great, and the question was become so delicate, that gentlemen were afraid to agitate it, would they still argue for the continuation of that danger, and contend against the abolition as a remedy for the evils which they so much dreaded? He would say nothing of the alarm that possessed the minds of gentlemen, nor would he dwell on the horrors and injustice of the trade, to induce gentlemen to adopt his ideas, because all were agreed on those grounds, and there were not to be found among the most interested in the continuance of the traffic, men so lost to all sense of truth and all the powers of conviction, as to stand up advocates for sanctioning the trade on the principles of humanity and justice. He did not like the plan which Mr. Burke had formed for the gradual abolition, though he had the greatest reverence for every thing which came from that respectable and enlightened gentleman; because he thought that, by protracting abolition, they would increase the danger of the islands: by beginning with an amelioration of the situation of the negroes, the more their expectations would be excited, the greater would be the danger of their being impressed and stimulated by the fallacious principles with which they were assailed. On the contrary, by commencing our labours by the abolition of the trade altogether, we were removing the radical cause of their misery, and preparing the way to a certain melioration of their condition, inasmuch as it would be the interest of the planters to treat them in a more favourable manner.—He could not pass unnoticed the unfairness of confounding the internal affairs of the islands with the circumstances of the trade. All the dangers and misfortunes of the colonies were certainly not to be ascribed to the discontent of the slaves; and the prevalence of an idea so grossly erroneous would, in his opinion, most endanger the interests of the planters. Gentlemen were inconsistent in arguing, that, by delaying the abolition, the West Indians would themselves become sensible, that it was for their interest and credit, that it should be eventually put an end to. But upon what principle was this hope to be indulged, how was it to be reconciled to their public acts? He would put the matter to a fair criterion, and refer the House to the report of the assembly of Jamaica in 1788, in which they stated the sole objection to an abolition of the trade to consist in the disparity between the number of males and females, which, when done away by the importation of more females, would furnish them with the means of sufficient population. Thus they admitted the expediency, the policy, the humanity and the justice of the abolition, and only gave their opinion as to the period when it should commence. That period had long since arrived, and yet, compare the report with a petition presented this very session, and they would find the planters

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coming forward to parliament, and stating, that they had proved on oath to the House, that the trade was not opposite to the principles of justice and humanity. —Such were the consistency and candour of the West India planters; who, so far from wishing for the abolition, after the delay with which they had been indulged, flatly contradict themselves, and declare themselves of a different opinion from that they avowed eight years ago. Notwithstanding this, the House was desired to wait for some time longer, in compliance with the wishes of the West Indians. With respect to their pretext of obtaining four years for the sake of proportioning the numbers of the sexes, he before proved to the House, that the sexes tallied at the moment the complaint was preferred, as much as could be, though not equally in all the islands: if a disproportion had taken place, it was because greater numbers were imported. He never heard his calculations respecting the proportion of the sexes disproved; and he was aware the complaint had been urged, and was then urged, as a pretext against the bill. In this way, and from this mode of proceeding, it was not possible to guess at a period which the West Indians would say was proper for the abolition: that was avowedly the opinion of the petitioners, and it was farther corroborated by this circumstance, that since the idea of an immediate abolition was prevented, the importation had increased with fresh vigour, and was one-fourth more, at least, than parliament had determined it ought to be. Nor was this all: in proportion as the legislature disapproved of the continuance of this odious traffic, the planters seemed to extend their necessities and their views, and were eager to import fresh slaves for the cultivation of new colonies, an idea scouted in that House universally. If then, during the last four years, the trade had been followed with additional vigour, it plainly appeared, that what was urged respecting population was a pretext for the future progress of the trade.—He wished also to press on the minds of gentlemen the argument respecting the improvement of uncultivated lands. It was urged by the planters, that they were paying quit-rent for one million of acres, which would be waste on their hands unless they were allowed to import slaves for reclaiming the same. Would the House say, that the slave trade was to be continued till this million of acres was brought into cultivation? If a hundred years ago, it was proposed to add a million more of sugar acres to our islands, would it be agreed to at the expense of encouraging the slave trade, and did not the same principle apply in the present case? If this plan was tolerated, it would be equivalent to founding new colonies. Was it not better to make those gentlemen a compensation for their quit-rents, than establish new colonies, and continue the slave trade on that ground? —Did gentlemen mean to say that the parliament of Great Britain had no right to interfere with the internal regulation of the colonies? He would not enter into any long argument on the question of right; it was not necessary—when gentlemen, however, considered that we regulated the commerce of the islands, they must admit, that we had an indubitable right to enact a measure of abolition. Parliament had the undoubted power and right to prohibit the trade; the act of 1778, though it limited the right of taxation, except for purposes of revenue, left full power to prohibit trade; and while the House can abolish that on which the slave trade depends, the guilt must remain with them if they allow it to continue. With regard to our power in this respect, it was acknowledged by a report of the assembly of Jamaica in 1788. It was there stated, that "it is not sufficiently understood in Great Britain, that the African trade does not, by any means, belong to the people of the colonies; that it is purely British, carried on for their own advantage, in their own bottoms, and on their own capitals." Taking this representation to be true, nothing could be more incontrovertible, than that parliament had the power to regulate or to annihilate, as it thought proper, that trade which was immediately under its own control.—The next question was, whether any practical or moral good would ensue from our dereliction of this trade, and whether, though we abandoned it, the same evil would not still continue in some other shape, or rise up again in some other quarter? Allowing this objection all its force, would a petty and fraudulent trade bear any proportion to that openly carried on under the sanction of the British government? It was plain, that by such illicit trade one-tenth of the usual number could not be imported; and the practical good of the measure was established if nine-tenths of the negroes

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ceased to be imported. Nor was this all: by diminishing the quantum of slaves, the demand for them would be reduced, the misery of the islands would be mitigated, and the horrid condition of the African natives would be meliorated. Neither would the blessings of abolition stop here; the example of our colonial possessions would have a happy effect on all Europe, and pave the way for universal abolition; in his mind this was an irresistible argument for speedy abolition. His hon. friend (Mr. Rose) had remarked, that if we abandoned this trade, its profits could be transferred to Ireland. He was surprised at such an idea having occurred to any man; if, however, such a consequence should follow, he would only say for one, that if the slave trade was to have a continuance at all, it was more honourable to the British legislature to have that national stain affixed to any other people than those over whom it exercised control. Ireland possessed an independence, which exempted it from the jurisdiction of the British government; yet Ireland, by participating of the advantages derived from our colonial trade, had in return agreed to respect the regulations we thought necessary, and upon that ground we had a right to expect from them a co-operation in this measure. But this was not what he relied on. He would not do so much injustice to any part of his majesty's dominions, much less to the spirit and generosity of the sister kingdom, as to suspect, for a single moment, that Ireland would meet this question with any other sentiment but that of cheerful acquiescence. Ireland would certainly disdain to transplant to its own bosom the reproach and shame indignantly driven from our shores. To proceed to his hon. friend's objections to the clauses of the bill: the first clause was that of making persons taken on the high seas, in the exercise of this trade, guilty of felony, while it had been encouraged for a hundred years past. It was much to be lamented, that the legislature had so long sanctioned the continuance of this trade: but it was a perversion of the fact to say that this bill went to inflict punishments for any of those previous proceedings to which the law heretofore gave countenance. The bill had no such object; it merely stated and defined what it meant to constitute offences in future, and those who should incur them, did it with their eyes open. The question, then, was, whether felony was a punishment too severe for the crimes described in the bill? In order correctly to decide upon that point, the fair way would be to take a view of those offences, which incurred the penalty of transportation, and then say whether, upon the comparison, many of them were not inferior in moral turpitude to the atrocity of crimes which diffused barbarity over the continent through which desolation had been previously carried. The avarice of man might lead him to such a course shocking as it was, but the law which restrained him could not be too severe.—The criticisms made upon that clause in the bill, which allowed the cargoes of slave ships taken in the prohibited trade to be sold for the reward and encouragement of the captors, at once gratified his mind, and confirmed his opinion, as to the absolute necessity for the immediate abolition of so horrid a traffic. Compared with the principle of the bill, the clause was doubtless inconsistent, and the necessity of it was to be deplored; but it flowed from the radical and incorrigible viciousness of the system, that when you drag a man into slavery from the bosom of his family and connexions, it is in vain for you afterwards to attempt to make him any atonement: the injury done is without possibility of remedy. Notwithstanding this, he hoped that this apparent inconsistency with the principle of the measure would be found capable of some remedy. However much he might lament the necessity which should induce the House to agree to this partial augmentation of slaves, he would accept that alternative rather than suffer the indiscriminate importation to continue. He was nevertheless happy in being able to suggest some thing which might relieve the House from the necessity, and at least alleviate the sufferings of those who should be intercepted in their passage. Experience had shown the necessity of securing to the persons employed, an interest in the execution of all laws of this description, and possibly that object might be gained by allowing the captors a reward governed by circumstances, calculated to ensure humane treatment to the negroes found on board the ships taken.—The next consideration was, how the Africans so taken, should be disposed of? No man could deny, that it would be only an aggravation of their wrongs to send them back to suffer death in the place from which they were taken. Such conduct would be but

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a mockery of humanity. An asylum however, still presented itself in other parts of their own country, when distributed among the factories established by an African company, whose objects, far from promoting slavery, were to diffuse happiness and freedom, and where the poor creatures might receive all the consolations which their unfortunate situation would admit. There were also other parts of his majesty's dominions, in which persons so circumstanced might be disposed of occasionally, and where, while they were usefully employed, they might receive that protection, and most of all, those instructions best calculated to repair, as much as possible, the wrongs both of themselves and of their countrymen. Mr. Pitt concluded by declaring that he should vote for the total abolition of the trade.

General *Tarleton* rose, amidst repeated cries for the question, and claimed the attention of the House to the great injustice which would be done to the commerce of Liverpool, if this trade were abolished. The dry docks there had, he said, been built principally on account of the African trade. He stated, from authorities which he could depend on, that the Americans, the Spaniards, and the Swedes, were offering the greatest encouragement for the prosecution of this trade, and he declared, as he was sure both Spain and America would encourage the traffic of slaves, so would Ireland, which would rise on the ruin of Liverpool. He concluded with moving "to leave out the word "now," and to add the words "upon this day four months."

Mr. *Dent* seconded the motion. He implored Mr. Pitt to pause, before he gave his vote for the abolition of a trade which produced a revenue of 3,600,000*l*. If the slave trade were to be abolished, he hoped the merchants would have some compensation from parliament. If this were not done, it would be a violation of the Bill of Rights.

The question being put "That the word 'now' stand part of the question," the House divided:

Tellers.

Yeas	The Lord Muncaster Mr. Matthew Montagu	70
Noes	Gneral Tarleton Mr. Robert Dundas	74

The Bill was consequently lost.

List of the Minority.

Abbot, Charles	M'Leod, general
Adair, James	Martin, James
Adeane, J. W.	Milbank, R.
Annesley, F.	Mills, William
Baker, William	Milnes, R. S.
Bankes, Henry	Montagu, M.
Baring, John	Mordaunt, sir John
Bastard, J. P.	Muncaster, lord
Belgrave, viscount	North, Dudley
Bullock, J.	Page, Francis
Burch J. R.	Pitt, right hon. W.
Burdon, R.	Plumer, W.
Buxton, R. J.	Pybus, C. S.
Calvert, J. jun.	Rolle, John
Canning, George	Ryder, hon. D.
Carysfort, earl of	Sheridan, R. B.
Courtenay, John	St. John, hon. A.
Dolben, sir W.	Smith, S.
Dundas, Charles	Smith, William
Eliot, hon. E. J.	Smith, J.
Eliot, hon. J.	Spencer, lord Robert
Fitzpatrick, R.	Stanley, J. T.
Fletcher, sir H.	Steele, T.
Fox, hon. Charles J.	Thornton, S.
Francis, Philip	Thornton, R.
Grey, Charles	Thornton, H.
Halhed, N. B.	Townshend, C.
Hare, James	Whitbread, S.
Harrison, John	Wilberforce, W.
Howard, Henry	Windham, W.
Hussey, William	Winnington, sir E.
Jodrell, R. P.	Wood, R.

Debate on Mr. Grey's Motion for a Committee on the State of the Nation.] March 10. Mr. *Grey* rose, in conformity to his notice, to call the attention of the House to the state of the nation. He said that, whatever opinion might prevail as to the justice of the cause in which we were engaged, it must be acknowledged on all hands, in whatever view it was taken, that the situation of the country was such as the most sanguine could not look at with confidence. We were arrived at a crisis which was likely soon to lead us to life or death. Next to that Providence, in whose hands were the issues of life and death, the care, the vigilance, the firmness, the patriotism, and integrity, or the remissness, neglect, and corruption of those whom the people have chosen as the guardians of their liberties and the stewards of their fortune, would tend to decide the fate of the country. Under that impression it was that he called upon the House for the discharge of that duty which the constitution had vested in them, and which they could not omit to perform, without a breach of the trust reposed in them. He therefore solicited their attention to what he should have the honour to lay before them, a

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series of facts, descriptive, in his opinion, of the state of the nation.

In entering upon this important subject, he felt considerable discouragement in referring to his experience of the conduct of the majority of that House, during the last three sessions. Nor was he at all relieved in looking around him that day, as it would seem, from the thin attendance, that many members did not think it worth their while to leave their dinners in order to examine into the situation of the country. Under these discouragements his hopes of success were not sanguine; but as he felt his duty to be important, and such as he could not in honour forego, he would endeavour to discharge it. A right hon. friend of his (Mr. Fox) had last year made a motion for a committee to inquire into the state of the nation.* He was impressed at that time with the danger with which this country was threatened. He took, as he was well qualified to take, a general view of the situation, not merely of this country, but of Europe. Humbler should be his efforts, as humbler were his abilities.

The House of Commons were, in a peculiar manner, the guardians of the public purse, and sustaining this constitutional character, it was a duty immediately incumbent on them to watch carefully the expenditure of the public money, and to attend to the resources of the country. It would be acknowledged on all sides, that whatever might be their opinion of the cause of our present situation, that situation it was important to know. Whether we were to continue the war, or to look for a speedy peace, it was extremely necessary for us to know the extent of our resources. Without the most rigid economy we could not go on, even supposing the great blessing of peace to be arrived. Whenever peace was made, it should be so made as to remove, as much as possible, all grounds of jealousy. Without attention to this object, we could not, even upon the conclusion of a peace, be said to be in a state of safety. Ministers had declared their willingness to treat, on suitable terms, with the present government of France. He hoped we should be able to treat with the French republic: but in treating we should recollect that in all probability, the French government would in future pay great attention to the improvement of their marine. This he mentioned merely to express the strong sense which he entertained of the necessity of our providing, if possible, against future jealousies. In looking to the rest of Europe, there was in the north an active and ambitious potentate, whose views of naval aggrandizement were apparent, and who, it was obvious, had entered into the war to raise herself upon the depression of other powers. That, therefore, would be an additional call upon us to maintain our naval superiority.

Having premised thus much generally, he should now proceed to the particular object of his motion. We were now in the fourth year of the war, and had some knowledge of the expense of the preceding three years. During these three years we had added 77 millions to the capital of our funded debt. In order to provide for the interest of this sum, new taxes must be imposed to the amount of 2,600,000*l.* This debt, when compared with the service performed while it was accumulating, was of such enormous magnitude as to demand the scrupulous investigation of that House. The war had been calamitous beyond example; it had also been extensive to an extreme degree; when, however, he compared it with former wars, he was unable to find a just cause for this vast expense. If we looked at the war of king William, the present in extent or importance was not equal to it. Was not our religion and constitution then at stake? The principles and objects of both wars were similar, the sphere of operations as extensive, and the exertions as great. To come, however, to very recent times; let us compare the expenses of the present war with those of the American war, when by the bad policy of his majesty's then advisers, we kept up a very large army, and we should find there was nothing to justify the present enormous profusion. The present war exceeded the American war in expense to a degree that would astonish the House. We were in that war nearly matched with all Europe, beside the vast continent of America. In the latter place, we had an army of 40,000 men; at the same time we supported a vigorous war in the East and West Indies, and at Gibraltar braved the united forces of France and Spain; yet in six years of such a war we only incurred a debt of 53 millions. We had in the last three

* See Vol. 31, p. 1345.

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years exceeded that war of profusion by 14 millions. He should be told that great expense must necessarily follow such a war as this. He admitted it. But then he must contend that such expense called upon the House to examine it, to compare its amount with the services performed, and to compare both the service and amount of debt with those of former wars. During the last three years, there had been incurred for the navy, a debt of 15,200,000*l.*; for the army, 17,600,000*l*; for the ordnance 2,600,000*l*; in all, about 35,400,000*l.*—a sum infinitely greater than ever had been voted for the same services during the same period. After the House had granted to the minister every thing he asked, they would be astonished when they found that, in addition to this, enormous sums had been expended without estimate, without the consent of parliament.

The first head of expense which called for the attention of the House was the Navy, and he wished to remind them of the principle which the minister avowed long ago, with regard to the navy debt. The right hon. gentleman was minister in 1782, and was therefore responsible for the tenor of the king's speech at that time. In 1782 the speech from the throne recommended to the serious consideration of parliament, "that part of the debt which consists of navy, ordnance, and victualling bills," and farther stated that "the enormous discount upon some of these bills showed this mode of payment to be a most ruinous expedient."* This speech must be taken to convey the sentiments which the minister then entertained upon this subject. Indeed, he had himself confirmed it in 1793; for when he asked for a loan of 4,500,000*l.*, he said he had made ample provision for an extensive scale of expense. He made a pledge to the House, at the beginning of the war, that, as far as he was able, he would keep down that which was usually called the extraordinaries of the navy, and would prevent the accumulation of unfunded debt. But how stood the case? Having received an estimate exceeding the liberality and even profusion of former parliaments; having carried extraordinary expenses farther than ever had been known in the same length of time in any former war, the sum expended beyond the estimate was enormous. The navy debt was stated to be 10,788,000*l.*; to this must be added other sums, and it would appear that the excess of expenditure beyond the votes would amount to 13,700,000*l.* No man felt greater pride than he did in the superiority of our navy. When, however, he compared the force of that navy with the force of the enemy it had to contend with, he must say that the sum expended was extravagant beyond all example. When we had met the enemy at sea, he was proud to say our superiority had been decided; but if we looked at the general distribution of our strength, we had no reason to be satisfied. We had not received that advantage which might have been expected; nor had our trade at any period, or in any war, been so ill protected.

With regard to the Army we were not in a better situation. The extraordinary expense above the estimate exceeded nine millions, and the vote of credit was more than double that of any former period. In elucidation of this part of his subject, Mr. Grey entered into various calculations, and maintained, that the whole sum expended under this head, not specifically voted for that purpose, amounted to upwards of fourteen millions, and over which, speaking upon principle, parliament had no control; for the items had not been previously submitted to them. This system had been severely reprobated during the administration of lord North; and again in 1782, in the report of a committee of that House of which the present chancellor of the exchequer was himself a member. In the war of king William, which lasted nine years, the extraordinaries of the army did not exceed 1,200,000*l.* In queen Anne's war, which lasted eleven years, only two millions. And what had we to comfort us for this immense expense of our army? Not even a single victory. The American war was once supposed to be the acme of profusion. But in 1778, 1779, and 1780, the whole extraordinaries of that war, did not amount to nine millions. In the American war we had an army of 40,000 men acting offensively. We acted vigorously in the West Indies. Our success against the united force of France and Spain at Gibraltar was brilliant. But in the last year of the present war, had we done any thing that was worth recording? We had an army on the continent, which came home without doing any thing. We had an expedition to Isle Dieu and

* See Vol. 23, p. 209.

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to Quiberon. As to the West Indies, had we an army to act on the offensive there? They were not only not so, but to a certain extent unable to preserve themselves. He would say, therefore, that the extravagance of the last year of this war was so great; the effect of it so disastrous to us; the weakness of the councils conducting it so manifest; that if the House refused to go into an inquiry upon it, they would surrender to the minister the power specially vested in them by the constitution for the benefit of the people.

The next point to be considered was the Ordnance, in which we had been told, there had been great reform and reduction of expense. For this head of service, 2,608,000*l.* was voted on estimate; and it appears from the accounts, that the extraordinaries amount to 2,964,000*l.*, a sum actually exceeding the estimate. To this deficiency, the observations he had made upon the army and navy would apply with equal propriety. This mode of increasing the public expenditure was unconstitutional, and had been condemned by parliament, and by the chancellor of the exchequer himself. Yet we found this system, so reproached and condemned, increasing every year under the direction of this very minister. The total of what had been expended without the consent, and consequently without the control, of parliament, amounted to 31,280,000*l.* This enormous sum, with the sums voted by parliament, amounted to 66,800,000*l.*, funded in the 3 and 4 per cents, spent in three years of the present war, in which little could be found but continued discomfiture, defeat, and disgrace. If that House suffered the people of England thus to be drained of their treasure without inquiry, they would rob and plunder the people of England. He had no doubt, the right hon. gentleman would remind him of an event in which his personal feelings were interested, and ask him if he had forgot what had been done in the West Indies? No, he certainly could not forget it; on the contrary, he was proud of it; but this was a topic on which he would rather any body else should speak than himself.

He said he had stated in round sums the money voted, as also the money expended beyond the estimate, as a ground on which he thought the House ought to inquire into the whole subject. If he were to leave it here, he might, he conceived, be entitled to submit, that he had laid before them a sufficient claim for inquiry. There were other instances of unconstitutional practices on the part of the executive government; and a principal one was the erection of Barracks. It was alarming enough to raise money for any purpose without the consent of parliament, but when that practice was made use of to invade the rights and privileges of the people, it was not only a breach of duty in a minister to incur such expense, but a still greater breach of duty in that House to suffer it. He would therefore say again, that if that House did not call the minister to account for his conduct with regard to these barracks, they would scandalously betray their trust.—Since the year 1790, upwards of 1,300,000*l.* had been raised without the knowledge or consent of parliament, in erecting barracks in this country. Are they to be permanent barracks? They will hold 40,000 men. Is that to be our peace establishment? 18,000 used to be the number in time of peace, together with 4,000 from Ireland for our colonies abroad. The opinions of the best writers upon our constitution, were clearly against barracks altogether. Barracks indeed they were called, but more properly by Blackstone, "inland fortresses." Why did not the minister tell the people plainly for what purpose these fortresses for 40,000 men were really erected? That subject demanded an inquiry. It was not the expense alone which created the objection, it was the influence which they might have, and which they might be intended to have; and the unconstitutional effect they might produce. He said, he was warranted in entertaining this suspicion, when he coupled the barracks with certain expressions used in that House by the secretary at war, such as "a vigour beyond the law," and other expressions of an alarming nature.

The enormous amount of the army extraordinaries, the navy debt, and the ordnance extraordinaries, he had stated for the consideration of the House, as reasons why he thought it necessary to inquire into the state of the nation. He had stated likewise the unconstitutional mode of proceeding on a system that kept from the public eye the real state of public affairs. He was arraigning in some degree, and charging with misconduct a minister who had only to ask and it was given to him. That such a man, so confided in and so supported, should have re-

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course to the unconstitutional mode of raising money he had adopted, appeared most extraordinary. He had had votes of credit of more than double the amount of any former grant. Under such circumstances the House ought to be more careful; for the more they granted him in the expenditure of which they could see nothing but failure, the more rigid should their examination be. There was another forcible objection against the conduct of the minister in raising money in the course of the present war. Money advanced to government by the bank might undoubtedly receive a parliamentary sanction; it was, nevertheless, a mode of raising money which had, from time to time, been limited by the constitutional jealousy of parliament. When parliament recognized the establishment of the bank, they did so upon principles of public utility. No maxim was better understood in that House than this: "That no advance shall be made to government by the bank in anticipation of the revenue." The caution was good, it was wise; it tended to prevent the overgrowing power of a minister, by furnishing him with money without the knowledge and against the consent of parliament. This was not a maxim merely, it was expressly provided for by an act of parliament, and that for a double purpose; first, to prevent the minister from having a command of money without the consent of parliament; secondly, that a sufficiency of money might always remain in the bank, to answer the purposes of those commercial dealings for the sake of which the bank was instituted. No man had ever infringed these salutary provisions so much as the right hon. gentleman. He seriously believed that this was the great cause of the inability of the bank to assist the commercial credit of the country, in their usual manner. On the 31st of December, 1795, they were in advance to government 11,643,000*l.*, and also upon two votes of credit. Certainly the money was not advanced without the authority of parliament. The sums he had stated were advanced on bills of exchange from the treasury, authorized by a late act of parliament. This practice was never permitted before the 5th or 6th of William and Mary, nor since, until the late act. To the astonishment of the whole world, however, when a bill upon a vote of credit came to be passed through that House, a clause surreptitiously introduced, to do away the salutary provision of the act of William and Mary. This was a mode of raising money contrary to the principles of the constitution, and in this way more money had been raised by the present minister, than ever had been by any other minister before him.—Last year, a loan of unusual magnitude was voted. In September, the chancellor of the exchequer entered into a negotiation, which, in any mercantile house, would have been considered as an act of bankruptcy. In October he was obliged to meet parliament for a new loan; and in February a vote of credit was demanded to pay off part of the arrears. He maintained, that 14,500,000*l.* would be left unprovided for at the end of the year.

These things, however important, were not so material as many other points which would arise out of the examination of the subject. When the House voted money, they naturally expected it to be applied to the purposes for which it was specifically voted. Here the case was reversed; money was voted and not applied to purposes in the contemplation by parliament, in violation of the provisions of an act of parliament. This formed a serious charge against the chancellor of the exchequer. The disposition paper did not give the House such an account as they could depend upon. The money, for instance, for the pay and clothing of the militia, which had been voted, and which ought to have been issued at Midsummer, 1794, had not been issued yet. Money to an enormous amount had been advanced by agents to government. He understood also, that money was due to officers on the staff, and a great part of it was owing to them for duty on the continent. These arrears ought to be inquired into, as well as the cause of them.—What, then, would be the situation of the country, even supposing us to obtain peace immediately? With our present debt, our peace establishment could not possibly be less than 22 millions a year. Our present income, allowing it in every branch to answer its estimate, could not possibly be more than 19,500,000*l.*, and therefore, supposing our debt not to increase another shilling, we should have to provide annually by taxes 2,500,000*l.* more than we pay already. Let gentlemen reflect upon this, and then, if they could, refuse to inquire into the state of our finances. It was easy to say that the

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wolf was not at our door yet; the wolf must, however, come at last. An end there must inevitably be to our resources. He entreated the House to look at the pressure which was at this time felt by their constituents, and the still greater pressure which they unavoidably must feel. He called upon the independent country gentlemen to vote for the inquiry. The great danger they had to dread was, the overgrowing influence of a minister, whose conduct was hostile to the principles of our constitution, and which influence it was the duty of that House to destroy:

"Non Hydra secto corpore firmior
Vinci dolentem crevit in Herculem."

It was a monster, which if that House did not destroy, would assuredly destroy the country. He called upon the House to exercise its most valuable function, the inquisitorial power of the Commons of Great Britain, and concluded with moving, "That this House will resolve itself into a Committee of the whole House, to consider of the State of the Nation."

Mr. *Jenkinson* said, that it was peculiarly the province of that House to keep a jealous and watchful eye on the state of the finances, and on the mode in which they were conducted, and the services to which the supplies ought to be appropriated, no man would deny. The House possessed a legislative, and an inquisitorial power; and to the latter belonged a control over the management of the public purse. These two capacities implicated two duties opposite in their nature, and which should be exercised when adequate occasions called for their interference. In no administration, however wise and perfect it might be esteemed, should a blind and implicit confidence be reposed; but a certain degree of confidence was due to every administration, as long as their conduct betrayed nothing that justified suspicion. If suspicions should arise, and those suspicions appeared to stand on strong and substantial ground, then, indeed, it would be criminal in parliament not to grant an inquiry, such as was that night proposed; if, on the contrary, the grounds adduced for that investigation were equally trivial and unfounded with those urged in the present case, it was the duty of parliament to resist it.

On the first glance at the present circumstances of the country, many objections must arise against instituting an inquiry, unless on strong and very substantial grounds. Such grounds had not now been proved, and that such did not exist, he trusted he should be able to show. The general accusation was against the conduct of ministers in the present war: its extent was said not to be so great as that of other wars, though the expenses attending it were far more considerable. But every war had been more expensive than the war preceding it; and according to the wealth, extent, and prosperity of the nation, the increase of expenses in succeeding wars was inevitable. An impartial survey of the nature of the contest we were engaged in, would amply prove that the expenses incurred by its operations were such as need not dread the charge of prodigality. The expenses attending the prosecution of a war, should be estimated by the private expenses to which, at certain times, every family was exposed. If at present every article of provisions cost nearly double their former price to individuals, must they not be proportionably expensive to government? If the exertions of the enemy were great, and the means they employed mighty, must not a proportionate scale of expense be adopted by those who opposed them? The enemy with which we had to contend, had sacrificed the whole of its commerce, and spent five-sixths of its specie to carry on the war. If the war was just and necessary, and that it was he would ever avow, he did not see why the expense attending it should be deemed a sufficient ground for instituting the inquiry called for. The present state of the country was to be judged of by the state of our revenue and commerce. In every other war, the new taxes always failed to produce the full amount at which they were stated: and the old taxes particularly fell off from their accustomed produce. On an average of the three years before the war, and the first three years of the war, the difference between the permanent taxes was only 246,000*l.* and the new taxes were at least equal every year to what they had been stated. The commerce of the country was in a state still more satisfactory. The average of the exports during the three last years of peace, was 22,585,332*l.* The average of the last three years of the present war, was 24,453,338*l.* So that the exports of the war exceeded those of the peace, annually, 1,868,000*l.*—The next topic was the mode taken to borrow

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money to defray the necessary expenses of the war, and here it was natural to expect, that in proportion to the magnitude of the sums borrowed, the interest must increase, yet even in this particular the money had been borrowed during this war, at an advantage of $1\frac{1}{2}$ per cent. in favour of the country, when compared with the loans made during the American war. The hon. member had adverted to former times as a reason why the House should agree to his motion for a committee of inquiry; but he had not given the chancellor of the exchequer any credit for the plan he pursued, for appropriating the annual million towards the sinking fund. The present war he must ever consider as one on which depended the liberty of the subject, and the very existence of the constitution. Considering the present contest as such, posterity could not, in justice, exclaim against the burthens which they would have to defray; for the war was entered into and continued, not more for the purpose of preserving ourselves, than for handing down to future generations, our constitution unimpaired, and our liberties inviolate. The next question was, how far the exertions of ministers had been proportioned to their expenses. Let gentlemen look at the number of men this country had brought into the field, and the number of ships put into commission, and the charge of improvidence against government must vanish. During the American war there were 314 ships in commission; at present there were 368. The number of men in the army had increased in the same proportion. We had a much larger force employed than on any former occasion, and it partook, from the nature of the contest, as much of a continental as it did of a maritime war. Reason dictated to us, that when at war with France, to engage the continental powers in our favour was politic. He therefore maintained, that there was no prodigality in subsidies. The Austrian loan had been called impolitic; and some gentlemen had gone so far as to say that a subsidy would have been better; but those opinions had already been found groundless, the interest had been punctually paid; and the guarantee of this country for the sum was not impolitic. What was the consequence of that loan? It had diverted the attention of the enemy from its marine; and even if it was never liquidated, this country would be amply repaid by the crippled state of the French navy.—It was true, there was a large unfunded debt; that, however, was provided for in the ways and means of the year. If the war was confined to one point, then it would be practicable to present clear and satisfactory estimates; but as we had never been engaged in a war which was carried on in so many different quarters, it was impossible to frame estimates more satisfactory. The hon. member had adverted to the erection of barracks; as if that was a subject to which parliament was a stranger. It would, however, be recollected, that the account of the annual expense for the last five years had been constantly laid on the table. The system was one which parliament had conceived to be prudent and wise; and of course the House must have been prepared for the estimates on which the hon. member had so much enlarged. The hon. gentleman had asked, what had been gained by the war, and why it was carried on? It was carried on for national objects; and, as a naval war, we had gained great acquisitions. Did the hon. gentleman consider the skill and valour displayed in the war as nothing? Did he hold our acquisitions in the East Indies, the Cape of Good Hope, the Dutch settlements, the post of St. Domingo, the island of Martinique (which marshall Bouille pronounced to be the key of the West India islands), and Corsica, as nothing? He defied any gentleman to show that there ever had been a more glorious and successful war. Mr. Jenkinson said, he heard constantly of the parliamentary jealousy in the reigns of George 1st and 2nd. but he knew nothing of it. History taught him that a larger share of confidence had been given to ministers in those reigns than in any other, when a million and a half had been used for secret service money for ten years, and no proceedings passed upon it; and afterwards, when parliament required an account of the expenditure of the secret service money, the minister advised the king to refuse it. It was impossible for him fairly to examine the whole of the hon. gentleman's arguments; but he would maintain, that for the last twelve years this country had enjoyed more political liberty than at any former period, and that the people had had a larger share in the constitution. Upon these grounds, he would negative the motion.

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Mr. *Curwen* said, he had listened attentively to the hon. gentleman's speech, and could have wished to have heard him justify, upon fair grounds, that system, so ably reprobated by his hon. friend. When the conduct of France was selected as the fit object of continual abuse, it became a fair question for that House to consider, whether we had made those exertions which we had the means of doing, and whether the accounts on the table were fairly and properly made out? What could a member of parliament say to his constituents, after having imposed additional burthens upon them, without being able to tell how the money voted was applied? Such was their situation at present; and, if no inquiry was granted, they might come back and find the burthens doubled. During the American war, it had been thought necessary to institute committees of inquiry, because the expenses of the war were deemed to be improvident and misapplied. If that was the case when the amount was only nine millions, what could justify resisting inquiry now, when the amount was more than double that sum? As to the boasted acquisitions, he considered most of them, if not all, as misfortunes. He rather wished that some system could be pursued that would keep us rid of colonization, which tended to weaken the country. He denied that continental wars had ever been useful to this country. He was pointedly severe on the erection of barracks. Should ministers persist in the line of conduct they had pursued, they would compel the people to speak for themselves, not from any love of French principles, but from the burthens, calamities, and distresses of a ruinous and expensive war. If all inquiry was to be resisted, it was of no consequence for the representatives of the people to call themselves such, or to remain there; perhaps they might do better to retire.

Mr. *M. Montagu* said, that war was always attended with unforeseen expenses; but it was not optional with ministers whether those expenses were large or small. He thought much praise was due to them for the manner in which they had provided for the exigencies of the war. By a continuance of their exertions, the French must at last be brought to their senses.

Sir *G. P. Turner* lamented the expense of the war, and was very desirous for peace, but confessed he knew not how it could be procured. He did not think it was by gentlemen opposite pestering ministers with repeated motions every week, that peace could be obtained. He was therefore for the war, and would not enter into the consideration whether the loan was a favourable one or not. He disapproved of the motion. If the situation of the country was critical, there was the more danger from public investigations. The debates got abroad, and if they were known in France, might retard negotiation. It was not our business to confess our poverty if we were poor, nor to spoil our own trade by crying stinking fish.

Mr. *Steele* said, that the hon. mover was justified in asserting, that the expenses of the public services had of late years exceeded the estimates; but the amount was not equal to his statement. The navy estimates in the three years of the war had amounted to about 15,000,000*l.* the debt during the same period had increased somewhat more than 13,000,000*l.* but this debt could not fairly be stated to have been incurred without the sanction of parliament. It had been the practice, from the Revolution to the present time, to vote the sum of 4*l.* per man per month, according to the number of seamen to be employed; this allowance, had not, for some years, been found equal to the expenditure, even in time of peace. The great causes of the excess in time of war were the high price of provisions, the price of naval stores, and the expense of transports. After the first year of the war, therefore, his right hon. friend, on opening the budget, had found it his duty to state the debt he had incurred in consequence of this excess, and the means which he had provided for discharging it; and the House, by its proceedings upon the statements of his right hon. friend, had given an indemnification and sanction for what he had done. His right hon. friend had provided for the discharge of the whole of this 13,000,000*l.* of navy debt, except one million and a half. On the opening of the budget in the present session, his right hon. friend had informed the House that the navy debt had increased 1,500,000*l.* which remained to be provided for, and the House acted upon it. After that information, he could not imagine his right hon. friend had proceeded without the authority of parliament.—The hon. gentleman had stated the estimates

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of the army at 17,600,000*l.* which was provided for by the funded debt; and the extraordinary expenses, or unfunded debt, incurred during the last three years for the army, he calculated at 9,000,000*l.*, to which he added the votes of credit, making in all 14,000,000*l.* and upwards of unfunded debt for the army, unauthorized by parliament. This, however, was not the true state of the case; for the vote of credit had received the sanction of parliament. From the sum of 9,000,000*l.* ought also to be deducted one million and an half, arising from the repayment of a large sum which had been advanced to general Clerfait, and from savings on the grants for the years 1794 and 1795, which having been applied towards payment of of the extraordinaries, reduced the real amount of those extraordinaries to 7,500,000*l.*—Comparing the 7,500,000*l.* therefore, with the unfunded debt left to be provided for at the end of every former war, he stated it at his belief that we had expended less in extraordinary expenses than in any former war. It had been next contended, that there was a direct violation of the law of appropriation. If his right hon. friend had violated the appropriation act, he had done no more than his predecessors had done before him. By that act, certain sums were to be estimated and provided for under such and such heads: but there had always been certain expenses incurred, which ministers had not been able to lay under any head of estimates, which were afterwards brought before parliament, under the head of extraordinary expenses, and as they had always been justified and approved by parliament, he did not see that any blame could attach to his right hon. friend. By the loan of the present year provision was made for the repayment of 2,600,000*l.* to the army service of the year 1795. This sum had been already voted by parliament, and repaid to the army, and with the addition of the farther extraordinaries that remained to be voted, he pledged himself there would be money more than sufficient to pay the whole of the army, and not to leave sixpence in arrear.—It had been urged, that the vote of credit had been misapplied, and that it was voted to answer any unforeseen demands during the recess. This he denied. The estimates and the vote of credit had made but one purse, and both were made use of indiscriminately for the public service. Upon these grounds he objected to the motion.

The House divided:

Tellers.

Yeas	Mr. Christian Curwen Mr. Whitbread	45
Noes	Mr. Jenkinson Mr. Steele	207

So it pased in the negative.

Motion for Anatomizing the Bodies of Felons executed for Burglary or Highway Robbery.] March 11. Mr. *Joddrell* rose, pursuant to notice, to move for leave to bring in a bill to increase the punishment inflicted by law in cases of burglary and highway robbery. Those crimes, he said, had of late obviously increased to an alarming degree, and consequently, it became a duty of the legislature to take some means to check this growing evil. In the plan which he should submit to the House for that purpose, he had taken the act of the 25th Geo. 2nd, cap. 37, for his model. The House would recollect, that the object of that act was more effectually to prevent the horrid crime of murder. The principal provisions in that act were, that the person convicted should be executed the next day but one after his conviction, except that should happen to be Sunday, and, in that case, on the Monday following, and, that after execution, the body of the criminal should be given for dissection. The first part of this act, viz. that which ordains a speedy execution, he did not think necessary to adopt in the bill which he should propose to the House; because, though he wished to increase the punishment in cases of burglary and highway robbery, yet he wished to preserve a discriminating line between them and murder; but the next clause, viz. that which enacts that the body shall be given to the surgeons for dissection, appeared to him to be one which might, with great propriety, be applied in the two crimes to which he had alluded. By another clause in the 25th Geo. 2nd, the person convicted of murder was to be kept from the time of conviction till execution, upon bread and water. This was a severity which he did not see the necessity of adopting; for nothing could be further from his principles than to introduce more severity than the urgent necessity of the case called for. The regulation he suggested was not unknown to the law, as a statute of Henry 8th enacted, that the bodies of felons executed

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should be sent to Surgeons-hall for dissection. He had spoken of this bill to lord Kenyon, and the late lord chief baron Skinner, who both seemed to approve of it: nor had he heard of any objection to it, but that it would confound the punishment of murder with lesser offences, and thereby render that pre-eminent crime more common. This he did not believe, as this circumstance was only a secondary consequence, which those who were so abandoned as to disregard life would not consider. He hoped, that by this increase of punishment, the crimes of burglary and highway robbery would be diminished; he confessed, however, he had another object in view, namely, to check a practice which had gained ground of late, and which loudly called for some remedy; he meant that of stealing bodies out of church-yards. The House were not, he believed, aware of the extent to which that infamous practice prevailed. He had made particular inquiries about it, and he found that it exceeded almost all belief. If the bodies of persons convicted of burglary and highway robberies were given for dissection, it would at all events diminish the necessity of robbing church-yards, and most probably check the practice. He concluded by moving, "That leave be given to bring in a bill for Anatomizing the bodies of felons executed for burglary, or highway robbery."

Mr. *Buxton* seconded the motion, simply on the ground that, by increasing the materials for dissection, it was likely to promote improvements in surgery.

Mr. *Francis* said, that when this subject was first mentioned to him, he was led to believe that anatomical improvement was the principal, instead of the secondary object of the hon. gentleman. However if the measure was likely to be attended by moral improvement also, in diminishing the number of burglaries and highway robberies, very important addditional advantage would certainly be obtained. There might be serious doubts entertained as to the general principle of the bill, lest, by extending to other offences those aggravated penalties, which the law now affixed exclusively to the crime of murder, that impression of horror which nature, co-operating with legislative provisions, had implanted in the human breast against a crime so atrocious and detestable, might, in some degree be diminished. In this view it might, perhaps, be deemed inexpedient to add to the severity of our laws; but though he would not recommend additional punishment to the latitude, at present proposed, he thought it might fairly be applied to those offences which came nearest to the guilt of murder. Of this description were those inhuman robberies, where the offenders, not content with taking the property of their fellow subjects, just stopping short of murder, exercised wanton cruelties by maiming and wounding those whom they plundered. Another species of crimes were those nocturnal depredations, in which men were deprived of their usual courage and means of defence, and were, during the process of the burglaries, exposed to terrors worse almost than death itself. In cases like these, where the offenders had not the same excuses, if, indeed excuses could be admitted, and certainly had none of the risk of common highwaymen, he should not object to their being subject to those penalties, even after death, which the law at present reserved for murderers. He should at the same time wish to exempt from these severities, burglaries which were not attended with such aggravating circumstances.

Mr. Serjeant *Adair* said, he felt great satisfaction in happening to be down at that early hour to hear the unexpected proposal made by the learned gentleman, and to give it his direct opposition. It was much to be lamented that there should be suffered to exist in the criminal laws of this kingdom, any thing which could operate as a deduction from that general admiration which our judicial code was otherwise entitled to receive. Unhappily, however, inequalities did exist in the classes and definitions of crimes, by which the severest penalties were attached to species of offence infinitely less obnoxious than others which were punished in a much slighter manner. This had been observed by all versant with the criminal justice of the country, and had been considered as a manifest defect in our criminal code. But were gentlemen aware of the extent that was given to the definition of this kind of burglary? Were they aware that a ragged boy who passed the most populous street in the metropolis after sunset, which was at four o'clock on the 21st of December, and who, taking out a pane of glass with his knife, and with a wire drawing out two penny-worth of ribbon, or a pair of garters, was guilty of the crime of burglary, and must receive

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sentence of death? Was the person who took a few shillings, without committing any violence, to be compared to the nocturnal, way-laying murderer? Were the obvious moral distinctions of these crimes to be confounded, and held forth to the people, as meriting the same severity of punishment? In truth, the complexion of our criminal laws was already too sanguinary. The punishment of the torture had been long banished from this country; and God forbid that it should ever be revived! Since that time we had little more than the penalty of death to inflict upon offences the most foul and flagitious; and it was painful to reflect that it was not entirely reserved for murder and high treason, but was inflicted for offences which had no comparative enormity. He was far from wishing to justify, or even to palliate any breach of the law; he could not for a moment, however, lose sight of the distinction to be made between the man whom distress obliges to go out into the highway, and without any design upon the life of the person whom he met with, demands a few shillings, and the nocturnal assassin, who, without any immediate risk that he knows of, lies in wait to start upon his prey. The law had set up, on the impulse of God and nature, this barrier between murder and all other crimes, and that legislature would, in his opinion, act most unwisely, which should be induced on any account to remove it. The most that could be expected from it, and even that must be extremely uncertain, was that they would have fewer burglaries and highway robberies, but more numerous murders. It was the honourable boast of England, that murder was here less frequent than in any other country. Let them therefore be cautious how they destroyed, or even confounded those impressions, prejudices, and terrors, which separated murder in its consequences, as in its nature, from every other crime. As to the effect which the measure might have in the improvement of anatomy, it bore no proportion to the importance of the other considerations; nor would the provision of this bill, he believed, furnish all the supplies for which the surgeons might have occasion. He was not such an enthusiast for the promotion of the science of anatomy, as to advance it at such a price, and by such means. He trusted the bill would not be suffered to go into another stage.

The *Attorney General* said, that had he been apprized that this motion was to have come on, he would have made inquiry among those who were at the head of his profession, and who were stated to have approved of the measure. If they had entertained that opinion with any degree of confidence, he thought it probable that this business would have come forward in a different way. Death was, in his opinion, a sufficient punishment for any crime. The crime of murder alone appeared to him to call for the extraordinary punishment of dissection. It certainly must take away part of the horror of that crime, to put it on a level with others of an inferior nature; and therefore he concurred entirely with the learned serjeant who, by a long, able, and humane administration of the criminal law, had deserved the warmest thanks of his country.

Mr. *Fox* said, the point on which his opposition to the proposed bill rested was, that it annihilated that distinction between murder and other crimes, which was so essential to inspire just impressions of guilt.

The motion was negatived.

Debate on General Macleod's Motion respecting the Employment of Bloodhounds in the War against the Maroons.] March 21. General *Macleod* said, that the transaction he was about to state, and the motion he should ground upon it, were of so much importance, not only to the honour of the House and of the country, but the interests of humanity for ages to come, that he regretted his inability for such a task. Before he entered into any detail, however, he should endeavour to wipe away some aspersions which had been thrown upon him since he had undertaken this business. It had been both publicly and privately asserted, that he entertained two objects for his present motion, private malice and hypocrisy. In fact, that he endeavoured to calumniate a noble lord under the mask of friendship. In reply to this cruel insinuation, he appealed to all who knew him, whether they believed him to be capable of entertaining sentiments of private malice against any man, far less against a person whom he loved as a man, and respected as an accomplished soldier, and with whom he had always lived in habits of intimacy. The first account he had received of the importation of blood-hounds, from the

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island of Cuba to Jamaica, was through the medium of a newspaper; as that was not, however, the most authentic information for the House to proceed upon, he would read the following extract from an original letter: — "Kingston, Jamaica, January 5, 1796. I dare say you have heard of our internal war with the Maroons of Trelawny-town. We have laboured under the oppression of martial law since August last, and when it will cease, God only knows. Last week they made overtures of peace, and requested three days time to surrender, which was granted to them, and we entertained ourselves with the flattering hopes we should soon again enjoy tranquillity. On the contrary, the three days truce afforded them an opportunity of gaining every information respecting our situation, &c. and they are again retreated farther into the woods than ever. Strange might the idea appear, but 'tis a fact, we have imported from Cuba, 100 blood-hounds, attended by twenty Spanish chasseurs, and they last Friday proceeded into the woods to hunt out and destroy the enemy. It is the opinion of people in general, they will have the desired effect. Query, What effect will it have on Mr. Wilberforce? I suppose he shrinks at the idea of hunting human flesh and blood, as he is pleased to style them, with blood-hounds. We all wish him present. We had severe duty during Christmas holidays, in keeping guard in and about this town, that being the critical juncture to observe the dispositions of the slaves, but I am happy to say, they are universally well affected, and I never saw a quieter Christmas; there is very little to be dreaded from them. One half Kingston is in Trelawny; have been there these three months myself; have been in one expedition against the Maroons in Charlestown; they immediately laid down their arms. In addition to a number of fine fellows that have lost their lives, it has cost the country above half a million since the commencement of this unfortunate war. You would scarcely credit that 500 of these fellows could so long withstand upwards of 5,000 troops, which are the number against them; they get into the interior parts of the mountains, and 'tis impossible to get at them. I suppose you are almost tired of reading; if not, I am almost tired of writing; so will conclude the subject by wishing a speedy extirpation to them."— This letter was not sent home by any person inimical to government, nor to the introduction of the blood-hounds. The first inquiry that presented itself was, who these Maroons were? and the result of that inquiry would be, that they were men: and not only men, but freemen; that they never had been slaves themselves, nor had their ancestors been so, their freedom having been acknowledged by several generations. The second question, then, would be, what were these blood-hounds that were imported with thirty Spanish chasseurs to hunt up the Maroons from their recesses? and it would be found that they were dogs which the Spaniards had found of great use upon their discovery of Mexico for the purpose of extermination. He would crave the attention of the House to an extract from the writings of Bartholomew de las Casas, a simple monk, who was the only person that opposed the barbarities of his countrymen. [The general here read an extract from Robertson's History of America, descriptive of the horrors of this sort of warfare in Cuba.] Bartholomew de las Casas, on account of this inhuman butchery, separated from his countrymen; and represented to the court of Spain such abominable practices. Would the parliament of Great Britain wink at such proceedings as these? It was usual in Cuba, for the Spaniards to feed their dogs with human flesh, that they might be unnaturally bloody and fierce; it was common among the soldiers to split a child in two; or cut up an Indian in quarters, and feast their dogs. Would the House sit careless, while fifty couple of blood-hounds were imported from Cuba, and thirty chasseurs, to pursue the same bloody and inhuman sports? And who were the sportsmen? British subjects, British soldiers, and British officers! Surely parliament would not suffer them to enjoy a chase that stained the character of the country, and would blot the annals of his majesty's reign, as much as it had done those of Philip 2nd and Charles 5th of Spain. We had not heard the cause of this war, or what provocation the Maroons had given. He would, however, for the sake of argument, allow that the war was in defence of our rights, and consequently just; yet we had no right to resort to unjustifiable means in prosecuting it. We had no right to pursue them with blood-hounds into their inmost recesses. He had read in his youth the works of Puffendorff and Grotius, and he could recol-

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lect that they reprobated all improper instruments of war as unjust, because they tended unnecessarily to increase the horrors of war. It had been said, that these Maroons had been set on by the French. If this was the case, what effect would this produce on the French as an enemy? Were we sure of retaining all our West India islands? He was afraid not. Supposing Grenada or St. Vincent's to be taken by the French, might not they also send to Cuba for blood-hounds, and exercise those severities of which we had shown them the example? He hoped he had said enough to rouse the indignation of the House, and to inspire them with a zeal to vindicate their own honour and that of the nation, by an inquiry into a business of so shocking a nature. He would now move, "That an humble Address be presented to his majesty, that he will be pleased to give directions, that there be laid before this House, copies of such intelligence as has been received by any of his majesty's ministers relating to the mode of carrying on the War against the Maroons in Jamaica."

Mr. Secretary *Dundas* said, he was possessed of no authentic information upon the subject, that he could offer to the House. He hoped that he should be able to satisfy the House, of the impropriety of the motion. The hon. gentleman had taken it for granted that the war with the Maroons was unjust, and had originated in aggression on our part. It should be remembered, however, that it had its rise in an insurrection of the Maroons, unprovoked by any aggression or ill usage, and that no part of it was to be ascribed to the conduct of the assemblies or of the inhabitants of Jamaica. Ever since this insurrection, the island had been in a state of the greatest alarm and danger. The Maroons were accustomed to descend from their fastnesses at midnight, and commit the most dreadful ravages and cruelties upon the wives, children, and property of the inhabitants, burning and destroying every place which they attacked, and murdering all who unfortunately became the objects of their fury. In this distressing situation, the militia of the island were constantly in arms, and forced to be always prepared for defence. He did not understand that the purpose of the dogs was such as had been stated, nor were they to be employed in the barbarous way that had been represented. He understood, that in the island of Cuba, these dogs were used to prevent negroes from running away, and merely to seize and retain them, and not to tear and mangle them with that cruelty which was described by the hon. mover. The account given in the book quoted by the hon. gentleman, he doubted not was greatly exaggerated, but however it might be a just picture of the former practice it was not applicable to the present time. He did not understand that the description given by the hon. gentleman was the real and true state of the matter. The grounds stated for the motion certainly were insufficient. He confessed he had heard of the fact, but his chief objection was, that any information that could be laid before the House was lame and unsatisfactory. It was admitted, that the employment of these dogs was not in consequence of any direction of ministers here. If the assembly of Jamaica had caused such an application of them to be made, which he did not imagine was the case, it was surely unjust to lay the blame upon ministers. It was not requiring too much from the House to ask them to believe that ministers, on the first intimation, would adopt such measures as would prevent or prohibit the use of dogs in the manner so justly reprobated. This ministers might easily be supposed to have done. When the character of an absent governor, whose conduct had hitherto commanded the greatest approbation, was involved, he hoped the House would see the impropriety of pushing any farther a motion on such slight foundation, and which must appear unnecessary, considering the steps already taken to prevent the employment of blood-hounds in the way deprecated.

Mr. *Barham* said, that the information on which the hon. gentleman rested, was not sufficient ground for the motion. Whether the dogs were imported for the purpose of war was another question; but the hon. gentleman did not attempt to state that they were now fed on human flesh, either at Cuba or Jamaica: therefore, so far they must be less ferocious, than at the distant period stated in the book to which he had referred. Every gentleman who had a park kept dogs to protect their venison, and to hunt deer-stealers! some of these were called blood-hounds, but he never understood that they partook of that ferociousness, which seemed to excite the humanity of the hon. general. The object of using

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the dogs in Jamaica was to discover the haunts of the maroons, and to protect the planters and their families from being murdered by those barbarous rebels. The present was a war against robbers and murderers; and if a banditti consisting of about 400 infested any of our forests, or poured down from some mountain and murdered every person that came within their reach, would gentlemen conceive it improper to hunt them out of their haunts in a manner the most likely to get rid of such villains? The hon. gentleman seemed to lay much stress upon the Maroons being freemen; their being freemen, however, gave them no more right to a claim on humanity than the slaves in the island. If the hon. general meant to maintain the contrary, he must assure him, that, in the eye of the planters freemen did not stand on a higher ground than the slaves. The war was an unprovoked rebellion on the part of the Maroons, because one of them was punished slightly, for an offence for which in this country he would have suffered death. To the Maroons, since that time, the most favourable offers had been made, but they had persevered in refusing all terms.

Mr. *M. Robinson* did not consider the communication contained in a private letter sufficient to induce him to vote for the motion. But the defence of the hon. gentleman manifested the propriety of its being adopted, as he confessed the fact of blood-hounds being actually employed in carrying on the war.

Mr. *Sheridan* declared he had heard, with the greatest satisfaction, that orders had been sent to put an end to this atrocious mode of warfare. He was concerned, however, to find, that the war in Jamaica was a war of extermination. It was surprising, that without the abominable aid of blood-hounds, the whole force of Jamaica could not succeed in subduing these unfortunate Maroons, who, by oppression, the breach of treaty on the part of the English, and in vindication of their rights, had been driven to take up arms. There was nothing which could justify the use of blood-hounds. The object of the war in Jamaica seemed to be the extirpation of this unhappy people. The hon. gentleman would not say that the Maroons whom in the habits of common intercourse with the planters, were not only extremely useful, but tractable. The slight punishment to which the hon. gentleman alluded, was that of publicly whipping a poor wretch through the town for stealing a pig. Such was the pride of these independent people, that they preferred death to such an ignominious punishment. The effect of the Maroon's bloody stripes created disgust throughout his nation. We had no right to try him at all; as by an express stipulation between us and the Maroons, they were to be tried by a tribunal of their own. We had, in this instance, therefore, violated an express article of a treaty. For the honour of the British character, he trusted that ministers would put an end to the atrocities complained of.

Mr. *Courtenay* said, it had been asserted that these blood-hounds were employed only to pursue and discover the lurking places of the Maroons; but when such dogs were set on for a purpose of this kind, they would not stop at merely finding the fugitive. In a private letter from Jamaica, it was stated, that two of these dogs had set on a soldier's wife on the beach, and that two soldiers were obliged to bayonet them in order to save her life. If these animals were so ferocious when not set on, what was to be expected from them when they were properly trained to this horrid business by Spanish chasseurs? It had been said, that these Maroons came down from the mountains to murder during the night. This was a mere assertion, and totally devoid of truth. But was it not strange that 500 men should oppose the whole armed force of the island of Jamaica, and oblige the government to put the inhabitants under military law, and permit a mode of warfare so discordant to the feelings of British soldiers? By the treaty with the Maroons made in the year 1783, it was expressly stipulated, that when a Maroon should commit a crime, he was not to be punished, but given up to his nation. This article was insisted upon by them, that they might not be subjected to corporal punishment by the planters, which they considered the greatest misfortune that could befal them. Like all other savages, their passions were strong, and their resentment of injuries indiscriminating. Let, then, reparation and friendship be offered, and their passions may be made to flow with no less violence in the opposite stream of affection and gratitude. To talk of exterminating this handful of brave men, who, had made such a noble resistance, was the very acme of wickedness, and would

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fix an indelible stain on the British character. If we had broken the first article of the treaty, we must stand by the consequences. What right had we to complain of the descents of the Maroons from their mountains, when the mode of warfare carried on by us was so much worse than theirs. We were now reduced to be humble copiers of the cruelties of the Spaniards, whose inhumanity we had hitherto always condemned.

Mr. *Dent* expatiated on the ferocity of the Maroons, and the necessity of repressing them by every means that could possibly be suggested. He insisted that the blood-hounds were only used for the purpose of tracing the footsteps, and discovering the haunts of the Maroons, and concluded by observing, that as gentlemen seemed to have such an antipathy to this species of dogs, they would certainly have no objection to his proposing a treble tax on them, when the question respecting a tax on dogs came to be discussed.

General *Macleod* said, that in consequence of what had fallen from the secretary of state, he would not press this business farther at present. He begged, however, that it should not be considered that he had totally relinquished it. He would never quit the subject until the evil was redressed: he would stick as fast to it as those dogs did to their prey.

The motion was then withdrawn.

Debate on General Smith's Motion respecting the Expenditure of Public Money on Barracks.] April 8. General *Smith* rose to make his promised motion respecting Barracks. He meant, in the first place, to state the amount of the expenditure, then to compare it with the expense incurred by similar objects in past times, and next to point out the unconstitutional nature of the measure. The expense of erecting barracks was alarmingly enormous. It amounted nearly to 1,400,000*l.* But the expense was not all. Ministers had obtained the means of considerable influence, by the patronage of the offices to which this system had given rise. There were 46 barrack masters, a barrack master-general, and 19 officers with salaries, amounting in all to 11,000*l.* It there were barracks, there certainly must be barrack-masters. He begged to know, however, why barrack-masters were appointed and enjoyed ample salaries, before the barracks were built? At Lincoln this had actually been the case, before a single line was marked out. Why, he demanded, was the public money so applied? Was that the way our ancestors acted when they wanted money for the public service? He moved, that that part of the act, called the Civil List Reform bill, should be read, by which it was enacted, "that no person should enjoy a salary of more than 500*l.* a-year, without an estimate being previously given and signed by the lords of the treasury. In former times, when any important measure was in contemplation, an inspecting officer was appointed, who delivered in a report for parliamentary consideration. If ministers had submitted to the House an estimate of the expense of erecting barracks, he was convinced that it would have been thrown out, like the famous fortification estimate.* But ministers had first squandered the public money, and then came confidently forward to demand the sanction of parliament for what they had done. The chancellor of the exchequer had often extolled economy as a virtue; but where was the economy of expending 1,400,000*l.* in the erection of barracks? The expense was, however, a trifling object, when compared with the unconstitutionality of the measure. Good God! was every town to be made a citadel, and every village to be converted into a garrison? Barracks were already erected, capable of containing 34,000 troops, which was double the number of the usual peace establishment. From this fact one of two inferences must follow, either that ministers had betrayed the trust of the nation, in needlessly squandering the public money, by erecting barracks for which there would be no use; or that they meant to maintain a standing army, sufficient to enable them (to borrow one of their own expressions) "*to exercise a vigour beyond the law.*" Was there any thing in the present state of the country to warrant such measures? The people had lately met with a severe trial, and they had borne it with patience and fortitude. If ministers were to have the power of applying money to one purpose which was voted by parliament for another, there was an end of the constitution. The constitution was much in people's

* Mr. Pitt's Motion, in 1786, for fortifying the Dock-yards, which, after a debate which lasted till seven in the morning, was rejected by the casting vote of Mr. Speaker Cornwall, the numbers on each side being 169. ‡ See Vol. 25, p. 1156.

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mouths: at the beginning of the war, in particular, the right hon. gentleman had insisted, that it was the salvation of the constitution which prompted him to undertake the war. He was one of those who was friendly to the war upon that principle, and he had not altered his opinion. He wished gentlemen, however, would have some regard to consistency of character; and that, while they supported the constitution with one hand, they would not attack it with the other. In former times, the kings of this country attempted to levy money without consent of parliament: the minister of the present day ventured to apply the public revenues to purposes for which it was not intended, in defiance of the law. The general concluded with moving, "That it be referred to a committee to examine into the Expenditure of Public Money, in the construction and furnishing of Barracks since the year 1790; as also to investigate by what authority such an expense, amounting to upwards of one million sterling, has been incurred, and to report to this House, together with the opinion of the committee, upon these subjects."

Mr. *Windham* (secretary at war) said, that the hon. general was struck, in the first place, with the magnitude of the expense was evident. That, however, proved but little: for in every country like this, the public service must necessarily be carried on at a great expense. The proper state of the question would be, not whether there was a great expense, but whether there was a comparative proportion between the magnitude of the expenditure and the importance of the object? With regard to the objection, that the money had been incurred without being submitted to the judgment of parliament, unless that became a question of mere form (and he was ready to allow that there had been a departure from form), another question would arise, built upon the spirit and meaning of our constitution, and upon true wisdom: was the money incurred *bonâ fide* for the public service? No public inconvenience had arisen from the mode of expenditure, and there was no reason to think that the public judgment had been misled. Could gentlemen pretend that the expenses were incurred without the knowledge of the House? Certainly not. The question, though it had not come before the House in a regular form, had been discussed in other forms; and having the approving judgment of the House on such occasions, it could not be said to come *sub silentio* on the nation. It had been brought before the House in 1793,* and as it had then come distinctly to be considered, he had a right to plead the event of that discussion, as a virtual recognition of the principle of the measure. Much had been incurred on the spur of occasion: and, in short, if the utmost exertions had been made to lay the estimate before the House originally, it would have been a vague conjecture, merely to satisfy form. The hon. general had stated, that three or four years ago there were no such things as barracks. Did he, indeed, know so little of the matter? Was it necessary to state that barracks capable of containing 20,000 men had been erected many years since, and were still in use? Such being incontrovertibly the fact, the principle was established. An objection, he was aware was ready in the mouths of gentlemen, viz. that there was the less necessity for erecting new barracks. But there were two objections to the old barracks: first, they were calculated for the reception of infantry only; and, secondly, they were placed in situations not fit for the commodious arrangement of troops throughout the kingdom; and as it had been found, in many instances, not convenient to station soldiers in them, it had been necessary to quarter them in inns. With respect to the practice of billeting soldiers on inn-keepers, it was an old abuse; it was a practice strange and unknown in any other country in the world; the soldiers of the state were not provided at the expense of the state, but at the cost of a particular class of inhabitants. What better reason could be stated for laying this burden upon inn-keepers than upon attornies, shopkeepers, or any other class of people? Formerly, when the practice commenced, the soldiers pay was greater, in proportion to the value of the commodities, and perhaps he might then have been able to pay for his fare as well as any other guest; but, in progress of time, when there was no proportion between the pay of a soldier and his expenses at an inn, this institution became oppressive to the inn-keeper; so much so, that it was found absolutely necessary to pass an act last year for their relief. If any body objected, that inn-keepers made

* Mr. Michael Angelo Taylor's Motion respecting Barracks. See Vol. 30, p. 473.

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travellers pay, the expense was still of oppressive operation, and borne either by inn-keepers or travellers, or by both.—Another objection was, that when the troops were in motion in all parts of the country, they were obliged to follow the course of the inns in travelling with great inconvenience, especially as the number of capital inns in the country had for some time past been considerably on the decrease, which consequently made the grievance more intolerable to those that remained. In fact, all circumstances combined to render the erecting of new barracks indispensably necessary.—Having thus stated the progress and reasons of the measure, the next question was, whether the expenditure had been conducted wastefully or unprofitably? On the fullest investigation into that part of the subject, he was confident that nothing would appear but economy and good management. The hon. general had talked of expenses permanently entailed upon the people. He denied that the great expense was permanent: the erection of barracks made one original expense. With respect to the annual expenses for barrack masters, that was permanent; if barracks were erected, no doubt there must be persons to take care of them: so much for permanent expense. On the other hand, there was a permanent saving; for if the old system were continued, the annual expense to the public would be larger than under the establishment of barracks. He was certain that barracks would be found considerably cheaper in time of war, and he believed they would also be cheaper in peace.—From the circumstance of the erection of barracks, the hon. general had inferred, that the whole war establishment was to be kept up in time of peace. He did not then wish to say what peace establishment it might be necessary to keep up; it however by no means followed, that it would be necessary to fill those barracks because they were in existence. When the desired event of peace should take place, would the House act so unwisely as to reckon on the continuance of it with such an extent of credulity as to decide in that moment that it would not be necessary to be prepared against the possibility of the return of war? Did the hon. general himself think that the country ought to be left subject to the same inconveniences as they were at the beginning of the present war, for want of quarters for new-raised troops? It would be better, in different views of advantage, to submit to a large first expense for building barracks of substantial quality, even though part of them might remain empty in time of peace. On a general principle of defence, it might be necessary to quarter troops where there were no inns; without which precaution several parts of the kingdom, such as towns upon the east of Scotland, might be liable to the depredation of any privateer that should land. These barracks were not, however, capable of maintaining an extraordinary increase above the peace establishment; the cavalry on the last peace establishment, he believed, amounted to 3,700 men; the barracks erected for cavalry would contain 5,400 men; and he would put it to the House, whether the surplus for the accommodation of 1,700 men afforded any cause for general alarm. The hon. general complained of the new patronage created by the nomination of barrack-masters. If barracks existed, there must necessarily be somebody to take care of them; there must, of course, be patronage, and that patronage must be vested somewhere. Allowing the institution to be generally good, should gentlemen, from any horror of patronage give it up. The former system had been full of waste and mismanagement; in the present, he defied gentlemen to show a trace of either. Gentlemen enjoyed their laugh, because a barrack-master was appointed before the barrack was built. Was there any thing either wonderful or ridiculous in this? As gentlemen seemed eager for the enjoyment of a jest, it would be a pity to interrupt their gratification. There were, it was true, three barracks planned at Lincoln, Shrewsbury, and Saxmundham; and there were barrack-masters appointed; these erections were found not to be necessary, and were abandoned. Gentlemen, however, must know, that it was proper to have a superintending barrack-master to treat for the ground, and oversee the progress of erection: nobody could be a better judge; and if the intention of erecting buildings should be abandoned, and the barrack-masters dismissed, ought they not to receive a part of their salary for the time they were appointed? In answer to what the hon. gentleman had stated respecting a compensation given to barrack-masters for losing their places, the only answer he could give was, that no such compensation had been given.—He

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came at length to the constitutional part of the question, which he considered as intimately connected with the subject of the debates that had taken place in the beginning of the session. If they thought that that there were men who night and day were preaching up bad doctrines in this country, was it unconstitutional in the government to withdraw the soldiery from being infected by them? Some persons were such advocates for free discussion, that they would allow any doctrine to be taught, trusting only to the antidote which argument could bestow. To their mode of reasoning he could not surrender his own judgment. If, therefore, there were such men abroad, he would adopt the method of cure prescribed in a French comedy—"If I cannot make him dumb, I will make you deaf." Upon that principle the removal of the troops from the danger of being tampered with had proceeded. He was desirous that the soldiers should be considered as citizens; and in order that they might be so considered, he would withdraw them from bad lessons and dangerous counsel: he would, in that case, act by them, as he would by his own family, his own children. Putting the poisonous infusion of sedition however out of the question, the good discipline of the army made the measure advisable. The institution of barracks would tend to the comfort as well as to the obedience of the soldiers. In public-houses they were under a continual temptation to contract expenses which they could not support, and vicious habits which could neither benefit themselves nor the community: this they must either do or live in miserable dependence upon the bounty of the innkeeper. For soldiers to live in a public-house was, therefore, morally and politically exceptionable.—He came next to answer the observations made by the hon. general, respecting an expression which he had used early in the session, that, in certain circumstances, it would be justifiable as it might be necessary to have recourse to a *vigour beyond the law*.* The expression he had certainly used; and when he recollected the situation in which he stood when he employed it, he saw no reason to shrink from the sentiment which it conveyed. It was on a memorable occasion that the expression fell from him, when it was affirmed that resistance to government was no longer a question of duty, but of prudence. This struck him to be an unqualified recommendation of direct civil resistance; and seemed to threaten a dissolution of the government. In that situation he said, that government must exercise a vigour beyond the law; and in doing so, he said no more than what was conveyed in the maxim, *Silent leges inter arma*. When a rebellion existed in the country in 1745, was not that done which was beyond the vigour of the law? The government was then driven into a situation in which it was a question of arms only, and not a question of law or constitution. No general rule of law could apply to such a case; it would make a law for itself: but so long as the constitution should exist, it was the sacred duty of the soldier to stand up in defence of law and the constitution, and to oppose any rebel or democratic traitor who should resist the authority of government. Such was the duty of a soldier; and the man who maintained the contrary, maintained a doctrine as remote from the law and the constitution, as it was from the feelings of the country: and if he had not been sure that the occasion did not admit of the animadversion, it might have become a question whether the individual who had maintained such a doctrine should not be proceeded against as a traitor. Having stated thus much on the general question, and in vindication of his former assertions, he should conclude with giving a direct negative to the motion.

Mr. *M. A. Taylor* said, the right hon. gentleman had concluded his speech with a string of truisms to which every one must subscribe, and, consistently with the usual fertility of his imagination, had created a number of phantoms, every one of which militated against his own arguments. The right hon. gentleman, in the flourish of his peroration, had pompously pronounced, that if the people rebelled against the lawful government of the country, in such case the troops were justifiable in acting against their fellow citizens. Was there any man who doubted the fact? Why, therefore, dwell upon it with such apparent warmth, if it were not to divert the mind of the House from the real object of the general's motion? The right hon. gentleman next asserted, that the principle of cantoning the military in barracks, was not a new one, as it had been recognized by parliament. Where had the right hon. gentleman

* See p. 386 of the present Volume.

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learned this doctrine? He did not formerly profess it. So far from parliament having recognized the principle of building barracks, they were first clandestinely erected, and be believed that as he was the only person in that House who had a residence near Sheffield, where they began to be so clandestinely erected, he was the first person who brought on a discussion about them.—The right hon. gentleman had insinuated that seditious persons were employed to seduce the army from their allegiance. Barracks were, therefore, to be their safeguard. But did soldiers never go out when they were cantoned in barracks? Did they never live with their families—never mingle with the world as citizens? He hoped this was not the case. Automaton troops might do for drill; but the best defenders of the rights, liberties, religion, and property of the kingdom, were those men who had an interest in all, and partook of the comforts they afforded. Our ancestors were particularly careful to guard against the erection of inland fortresses; and if they were so jealous in such cases, he saw no reason why we should not be so likewise. He would therefore give his hearty assent to the motion.

Mr. *Fox* said:—I am happy, Sir, that the right hon. gentleman opposite has thought proper to deliver his sentiments in so full and explicit a manner. The right hon. gentleman has also brought forward a general question, connected with the subject of debate, but at the same time not altogether necessary in its decision; namely, the connexion which ought to subsist between the military and the rest of their countrymen. "Because," says he "there are bad men and bad principles abroad in the country, the military must be secluded from the society of their fellow-subjects." He then most aptly introduces the language of the Mock Doctor, and says, "If I cannot make others dumb, I can make them deaf. I will place them entirely out of reach, where no such doctrine shall assail their ears." What, Sir, is the full meaning and extent of this doctrine? Can the right hon. gentleman make his troops partially deaf? Can he prevent them from listening to the voice of sedition, without, at the same time, shutting them up from the knowledge of those general principles of rational liberty, whose animating influence ought ever to inspire the soldiers of a free country? They ought not, says he, to be taught disobedience. God forbid that they should! But is it not a plain proposition, that indiscriminate obedience is not the duty of an Englishman, whether he be a soldier or any other citizen? Where commands are illegal, it is his duty to resist them. The right hon. gentleman, surely, does not intend to say, that his troops should be altogether deaf. If he does, it will be in vain for him to look for an army in this country, possessed of this physical advantage. He must call in foreign mercenaries. Ignorant of any language but their own, they would be sufficiently deaf for all the purposes of despotism. It would be enough that they should understand their officers, and might easily be brought, as in former times has been attempted, to act against this House and the general liberties of the country.—Exclusively of what I have already urged, I differ from the right hon. gentleman upon the point of prudence and policy. If one system be more corrupt and inimical to freedom than another, it is the system of barracks. What was actually the case in France? Was not the mode in which their army was cantoned out in barracks a principal operative cause in producing the revolution? It is beyond all belief astonishing, that while we declaim so violently upon the state to which France has been reduced, we should at the same time be pursuing those very measures which are likely to bring us to a similar situation. The right hon. gentleman speaks of those who preach up doctrines hostile to the constitution: but permit me to say, that it is not Mr. Paine, nor much more ingenious men, who by any thing they say can injure the constitution. Those are its real enemies who are constantly making practical comments upon such authors. Those who, with me, admire our constitution, are of opinion, that if strictly adhered to, it has sufficient energy to defend and preserve itself. Paine says, that our constitution is a mere farce, a mockery; that there is no real check upon the exercise of the powers of government. Do not ministers practically say the same? Do they not, day after day, and year after year, pass acts in direct violation of the acknowledged principles of the constitution? Their manifest breach of the appropriation act, must be fresh in our recollection. These deviations they pretend to justify on the plea

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of necessity. If this plea is at any time to be received with jealousy, it must be in the present instance; and it is indeed curious to observe the language by which this measure is attempted to be defended. In the mode of granting the money, says the right hon. gentleman, there may possibly have occurred some deviation from strict form, but nothing has been done substantially prejudicial. What! is it from him that such language was to be expected? From him who has a sanctified horror at every thing which bears the semblance of reform? From him who on the subject of a reform in the representation, trembled at the bare idea of taking one step towards innovation? Is he the person who comes forward and tells us that forms may be dispensed with?—But let us see what is actually the form, as it is called, which we are desired thus to dispense with. Are we not rather desired to dispense with a fundamental principle of the constitution? Are we not desired to dispense with the exercise of that control which we ought to have over the public purse, and called upon to sanction those expenses which never obtained our consent? The constitution says, that money shall not be raised without the consent of parliament. Has that not been done in the present instance? When the question of barracks was under the contemplation of government, should it not have been brought before parliament, and not merely be laid before them for their approbation, after the expense has been incurred? In the common affairs of life, if a servant came to his master and says he wanted 1,000*l.* for any particular purpose, the master would naturally deliberate on the propriety of the proposed measure; but, were his steward to inform he had actually expended a few thousand pounds in such and such a way, the master would startle at this being done without his previous consent: and were the steward to justify his conduct, by saying he considered that to be a mere matter of form, the master would no doubt give his servant to understand, that such forms were not to be dispensed with. The steward might then be induced to justify himself on the score of necessity. Cases might certainly occur where such a plea might be admissible, but they must be cases neither of any great magnitude, nor where the same purpose could be equally well effected in a more satisfactory manner.—We are told that the magnitude of the expense is nothing, for that all state expenses must be great; but I have always understood, that in proportion to the magnitude of the expense, is the propriety of instituting an inquiry. The expense in the present instance is unquestionably great; and how is it attempted to be justified? We are told that the different circumstances occasioning it were unforeseen. This, indeed, if any, is the only excuse which can be made: but mark the inconsistency, observe the application of this excuse to the manner in which the subject has been treated this evening. We are told that barracks were erected, and expense incurred upon the spur of the occasion. This is the excuse: but not satisfied with this, the right hon. gentleman, in the same breath, enters into an elaborate justification of the propriety of keeping them up as a permanent source of expense. He informs us, that necessity produced all this of a sudden, and at the same time assures us that it has been long a matter of experience, that the military could not be properly accommodated in any other manner. The plan has avowedly been long in agitation, but ministers have never thought proper to bring it regularly before the House. They have, on the contrary, incurred all the expense, and gone on in the prosecution of an extensive system, not only without the authority, but in absolute defiance of parliament. When I talk of erecting barracks on a system, the right hon. gentleman may perhaps not choose to understand me. I remember a dispute I had with him upon the laws of nations. Those laws he treated with very little ceremony, and seemed to be of a similar opinion with citizen Genet, who thought that without any great loss, they might all be thrown into the sea. If this system is to be defended, and defended in such a manner as I have heard this night, we may dispose, in the same manner, of all the laws of England. We may, when we please, throw into the sea, the commentaries of Mr. Justice Blackstone, and the brilliant speeches on this subject delivered by the late lord Chatham.—We are triumphantly told, that our ancestors gave their occasional consent to such a measure. What! can the right hon. gentleman say, there is any resemblance between small cantonments partially taking place, and the whole army of this country being constantly secluded from the rest of the in-

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habitants, and shut up in permanent barracks? I certainly do not ask much upon the present occasion, when I state it as my opinion, that before we introduce innovations contrary to the avowed doctrines of Mr. Justice Blackstone and other constitutional writers, parliament ought to be consulted, ought to have time for deliberation, and ought to give its solemn decision.—Great reliance has been placed upon the argument, that this subject was actually discussed in the debate upon a motion brought forward in 1793, by my hon. friend who spoke last.* That motion was for the purpose of passing a resolution, such a system as was then entered into of erecting barracks, was contrary to the practice and example of our ancestors. What was then done by the House? They did not put a direct negative upon it, but got rid of it by the order of the day. Can this be called a solemn decision of parliament, upon the principle of this measure? The most that can be said of it is, that they did not disapprove of what was immediately doing; but that decision gave no countenance whatever to the unauthorized expenditure of public money. I very well recollect, that that debate, in which I took a share, by no means turned upon the principle, but upon the words of the motion. The right hon. gentleman has certainly logic enough to perceive the difference, and to allow that the denial of any particular proposition is not an universal affirmation of its opposite.—But how stands this question with the constitution? Its opposers say it is but a name —but a mockery of a constitution. How many melancholy facts daily occur to justify the assertion! Large sums are expended, without consulting parliament, without bringing forward any estimate whatever.—The right hon. gentleman seems to hold all arguments of fact extremely cheap. He says, he understands our manner on this side of the House. I think he was long enough with us to understand our sentiments too; and he ought to know, that when we talk of the increase of patronage, it is not as mere matter of declamation, but as an object of serious apprehension to the liberties of the country. He defends himself by saying. What! would you deprive the poor officer of this his last resource? I know not how many worthy objects may be selected to fill such situations under government, but I do venture to say, on good authority, that many are appointed for no real purpose but that of forwarding ministerial elections. There is an ostensible and a secret purpose combined. It is, in the language of the right hon. gentleman himself, like a theatrical dress, where the gold and embroidery serve to conceal the dirt and filthy dowlas beneath. The right hon. gentleman tells us, that no barrack-masters were appointed without an intention of erecting barracks. I hardly could suppose they would be so absurd as to appoint barrack-masters without any intention at all. He allows, however, that there were three instances where no duty whatever was performed. He has appealed to the honour of the gentleman at the head of that department, the barrack-master-general, for the propriety and economy of the manner in which the business is conducted. Does he not recollect, that to pledge a man's honour is not the most honourable mode of accounting? and that to such a man it may be answered, "I have no intention of disputing the point of honour, but I want to know what you have done with the money?" For these different reasons I exceedingly approve of appointing a committee of inquiry; and if it be resisted, I do say, however liable I may make myself to invidious observations, that we have but a mockery of a constitution. If ministers disregard all fundamental principles,—if this House calmly tolerate their excesses,—if the power of raising and applying money be exercised, not by the House of Commons but the king's ministers, what is our constitution, but a farce and a mockery?—We hear, Sir, many orations upon the necessity of obedience and subjection to the laws; but if those at the head of the government paid equal deference to the laws, with the other orders of the community, we should have little reason to complain. Example would avail ten times more than precept. It is strange that those who have the law constantly in their mouths, should, with equal perseverance, be acting in direct opposition to it. My hon. friend illustrated this subject by an allusion to what passed on the fortification act. The illustration was certainly in point. If this House had not entered into the examination of that system previous to its being carried into execution, what would have been the consequence? Would it have

* See Vol. 30, p. 473.

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met with the fate which it experienced? By no means. Had the expense been first incurred, and the plan brought forward afterwards, this House, I believe, would have acceded to the measure.—The only tools which ministers seem not to think dangerous are edge-tools; they play with them with all the complacency imaginable. I repeat, that the maintaining of a standing army in this country, and dissolving the connexion between the soldier and the citizen, is a subject of the highest delicacy, of the greatest intricacy, and is not thus wantonly to be sported with by ministers, without condescending to consult parliament. We seem to have thrown away all that constitutional jealousy which ought ever to be awake in a free country, We have sacrificed it to a false alarm. The exorbitant power and influence of the crown in this country must ever be pregnant with danger to its liberties. In better times than these, the opinion was, that it ought to be curtailed; and, in the present day, is there no ground for a watchful jealousy? On the contrary, the more power we give, the greater is the cause for jealousy. Such was always the opinion of our ancestors; such ought to be our opinion; and before ministers dared, upon a plea of necessity, to trample upon the rights of Englishmen, it would have been but decent, to have given this House an opportunity of exercising its deliberative functions.

Mr. *Pitt* said, that on the question of barracks, he was now at issue with the right hon. gentleman who spoke last. Because soldiers were cut off from all seditious infection, did it follow that they would be deprived of all social intercourse? Certainly not. They would still enjoy the society of their friends, and still have a share in the prosperity of the country. Without contending whether the erection of barracks was right or not, he insisted that they had been erected with the approbation of parliament. From time to time the expense had been submitted to parliament, who had approved of the mode of applying the money. If there had been any improvident expenditure, then there might have been ground for censure; but as it was, there could be no need of inquiry to know whether the charges were defrayed out of the extraordinaries, or out of previous estimates. The right hon. gentleman contended, that the barracks erected in former times were exceptions to the general principle while the hon. gentleman who preceded him, seemed to entertain a similar opinion of the few in Scotland. Yet if all those barracks had been in repair, they would have contained 20,000 troops; and that fact alone proved that it was not a deviation from the general principle. Such was the case of that part of the question. The other was that which went to inquire whether there was any ground of abuse to justify the motion, and since there appeared to be none, he should give it his decided negative.

After a few words in support of the Motion, from Mr. W. Smith, Mr. Courtenay, and Mr. Grey, the House divided:

Tellers.

YEAS	Mr. Sheridan Mr. M. A. Taylor	24
NOES	Mr. Steele Mr. Sargent	98

So it passed in the negative.

Debate on Mr. Francis's Motion respecting the Regulation of Slaves in the West Indies.] April 11. Mr. *Francis* rose to make his promised motion, and addressed the House as follows:

Mr. Speaker; It is hardly necessary for me to say that the sight of so numerous an attendance, on the present occasion, gives me great satisfaction. I consider it not only as a practical acknowledgment of the importance of the business of the day, and of the interest it excites, but as an omen of success. Convinced as I am of the intrinsic merits of the cause I am engaged in, I cannot but rejoice to find that so many gentlemen are still disposed to attend to it. The greater the number, and the more they examine it, the more I am assured that, sooner or later, it will make a deep and universal impression, and finally prevail over every opposition. I believe, Sir, I may venture to assert, without a risk of contradiction, that, including the greatest learning, by which this House is at all times adorned and sometimes instructed, there is no man here better qualified than I am to introduce a serious subject of any kind with a dull, tedious, elaborate exordium. The power and the faculty being undisputed, I shall not abuse it. Instead of tormenting you with a long preface, I shall submit to the House some short but earnest requests, and then instantly to my subject. The first is, that you will grant me a

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patient audience. I ask it with humility for myself; but I demand it, as a debt of justice for my cause. On this day, it is your lot to exercise a high jurisdiction over a question important to a great portion of mankind, and interesting, I trust, even to those who think they have no concern in it. If this be your office, your patience is your duty. My second request is, that gentlemen will have the goodness and the candour to hear me out; that they will not suffer their minds to travel faster than I do; that they will not anticipate my conclusions, and much more, that they will not conclude for me. The subject naturally divides into two parts; the principles and object on one side, the means on the other. Each of these divisions constitutes of itself an entire whole, the merit of which, if it has any, will depend on the mutual relation, correspondence, and consistency of its constituent parts, united in one view, and acting together for one general purpose. It cannot be fairly determined, or even thoroughly understood, by any consideration of particulars, that detaches the materials from the composition, or that values the component part without regard to its position. The most irregular fragment, in meeting another fragment, finds the place that belongs to it. But, above all things, I must appeal to your justice against any attempt or inclination to confound the consideration of the two general divisions of the subject, by drawing objections from the means, and applying them to the object. The second may be eligible and practicable in its nature, though possibly not by that course, or through that medium, which to me might appear preferable to all others, if not the only one likely to be successful. You may approve the purpose without admitting the means. But you cannot honestly or reasonably contend, that decisive objections to the means are necessarily fatal to the end. Sir, I am thoroughly conscious of my own infirmities. I cannot hope to make myself understood, unless I am heard without impatience or interruption. Even signs and gestures are sufficient to disconcert me. From that sort of distress, however, I hope to guard myself in some degree, by observing a rule, which is not so much regarded as it ought to be, by fixing my eye as steadily as I can upon you, Sir, from whom I expect nothing but what I have always experienced—kindness, encouragement, and protection. There is no affectation in confessing that I have but little confidence in my own strength. Allow me to claim the benefit not the merit of this confession, if you believe it to be sincere. Conclude for me, as you ought to do, that I am convinced of the strength of my cause, and that I rely on it for support. That I am earnest in my opinion you cannot doubt. The value of it must be estimated by others. On this day, Sir, it is eminently my duty, as it is at all times my interest and inclination, to look round me for assistance, and to conciliate, if I can, every class of persons and opinions, into which the House has been divided on the subject of the slave trade. To the enemies of this traffic, a resolute and I hope an unconquerable phalanx, to those, who have hitherto advised and insisted on abolition, I think I have some right to apply for support. I have gone the full length of their opinions, and given them, from first to last, the utmost assistance in my power; and, if ever they should think it prudent or advisable, if ever they should see, what at present I despair of, a rational prospect of success in that direct pursuit, they shall find me at my post, and as ready as ever to second their efforts. Is it possible they should tell me in return, as I think, implicitly they would do by refusing to concur with me this night, that they will not suffer any part or portion of that entire system, which has totally failed in their hands, to succeed in mine? They may say, perhaps, that their principles will not permit them to negociate with guilt, or to compound with crimes, as they must do, if they consented to palliate or to qualify an evil, which they cannot remove, and much more if they appeared to authorize or even to acquiesce in its existence, by contributing to reduce it to a less intolerable form. Neither would I, if I could help it. But is it true that, by yielding to necessity, any principles are abandoned? Do I renounce even their object of ultimate abolition, or do I pursue it by a course, perhaps more effectual, though less rapid and direct than that which they have hitherto repeatedly tried without success? Are there no stages and gradations between complete success and absolute despair? Are there no expedients in practice, of which prudence should avail itself to compass whatever is attainable of the objects of wisdom and benevolence? Have they a moral right to this extreme precision in a question of

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action, in which the sufferings of others are instantly involved. Have they nothing to consider now but their own consistency? Is it pride or is it charity to say to a fellow-creature, the suffering subject of the argument and victim of the debate, that you will not submit to relieve, because you have been disappointed in attempting to cure? From those gentlemen I have a right to expect better morals, if not better logic. My appeal to the planters and proprietors is of a different nature, but equally intended to conciliate their good will, and to obtain their concurrence. Of them I demand nothing but an exact consistency between their conduct this day and all their former professions. They cannot consent to abolish; but they are ready and desirous to regulate and to improve. Such has been their constant language, whenever abolition has been proposed. They are at all times ready to meliorate the personal condition of the negro, though not to put an end to the trade.—Now I take those gentlemen at their word. Let us heartily and honestly unite our endeavours to accomplish that which they are willing to concur in, which they confess ought to be done, to place the negroes in the islands on such a footing of regulated service, no longer at personal discretion, but under a legal security, that the existence of the trade itself for a farther period may possibly be endured. Some of the parties, I am told, are highly dissatisfied at my attempting to revive the subject in any shape. For what purpose do you stir a question, now finally settled by a resolution of the House? Are we never to be at rest? To a complaint of this kind, I might truly answer, that if I were silent, or if I were not in being, there are others who would resume the subject with as much zeal, and with greater ability; who would never suffer it to perish or be forgotten. On this point the gentlemen I allude to may as well resolve at once to make up their minds to their situation. They may be assured, that as long as the grievance exists, at least in its present form, they will have no repose; they can never be at rest. But this is not my language. It would have the air of an apology, which I will never make to any party or to any power, for endeavouring to do one of the greatest duties incident to my station. In doing it I want no shelter, nor would I stoop to solicit it from any human resentment. I tell them frankly that, while I exist, the question shall never die; and though it were dead, yet shall it live. Some years ago it was said by a member of this House, respectable for his age,—where he is now I know not,—"Why cannot you be content? Are not we all very happy? Do not we enjoy good dinners and pleasant society, and all manner of comforts? I dare say the negroes are very well off, and why cannot you let them be quiet?" My answer was and is that such principles and practice never ought to find peace on earth. It is in vain to look for it. By power and by force they may obtain a partial triumph from day to day; but it must be in a perpetual struggle between active wrong and persevering right, until the moral sence of justice, charity, and shame, shall either finally prevail, or be utterly extinguished in this land. To any other issue the war is immortal. Addressing myself now to the House collectively, I certainly mean to do it with the deference and submission that becomes me. If I could personify the House of Commons, it would be my interest as well as my duty to approach so great a person with the utmost respect. But respect does not exclude firmness, and should not restrain me from saying, that it is the function of your greatness, as well as of your office, to listen to truth, especially when it arraigns a proceeding of your own. I am not here to admire your consistency, or to applaud the conduct which I am endeavouring to correct. These topics do not furnish any subject for applause. You have nothing like praise to expect from me; unless you feel, as I do, that a compliment of the highest order is included in the confidence, which appeals to your justice against your inclination. Compare the resolutions of the same House of Commons in 1792 and 1796. Against the second I plead the first, the result of a longer debate, the decision of a greater majority. If the authorities are equal, to which shall we submit? Contradictions cannot act together. Is it possible to remember the pledge that was given, the faith that was engaged, and really to respect a power, by which both have been broken? It is not for me to qualify the proceedings of this House; but they cannot escape the records of history. To save you from everlasting dishonour, that leaf must be torn out. There is one person left, Sir, (Mr. Pitt) whose support, if I really had it,

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would undoubtedly be of more use than all the rest; but whose support I disdain to solicit. I will not, for any purpose of this world, much less for any interest of my own, descend from the independence of my character, or from the station attached to the duty of this day, to submit myself to a capricious, mean, injurious enmity, not the less bitter because utterly groundless, not the less persevering because utterly unprovoked. Neither is it necessary. I have a surer course to take with the right hon. person I allude to. If I am not grossly mistaken in my opinion of his character, I have a powerful resource in the judicial quality of his calculating mind. I am not alluding now to the general purity of his morals, or to his sincerity in particular. Without disputing his virtues, I hold it to be fortunate that I am not driven to rely on them. I depend on his support, because I think I can put an honorable force upon his mind. I know the scruples and the prudence with which he weighs and balances the specific value of profit against praise. Whatever you may think of him, he is not a man to be driven, even by a favourite passion, to sacrifice a great portion of reputation for an inconsiderable advantage, and still less for a gratuitous indulgence of temper. I am safe, then, when I say, that my present intention is neither to solicit or to offend, but to provoke him. [Hear, hear!]—Yes, Sir, not to offend, but to provoke. Provocation is not of necessity offence. To inflame is not to irritate. They know nothing of the language, who think that these words represent the same idea. I tell him frankly that the last decision of the House has left a shade, I will not call it a stain upon his reputation. Is he not yet satiated with the possession of power and emolument? Is he not weary of the drudgery of his office, compared to which the mere labour of a negro is in my mind a service to be endured? And does he think it possible that the country, that any rational being should give credit to a proposition so extravagant and so monstrous, that the all-powerful minister of the crown, with all his eloquence, and with all his influence, and with the accession of thirty voices from his side of the House, should not have been able to engage more than seventy votes on a favourite question of his own, if, in earnest and *bonâ fide*, he had desired to carry it? Is there nothing in his mind to elevate him for a moment above the level of his station? Does he never look forward to a time, when the merits of his character will be canvassed by posterity? and is it possible for him to endure the thought of passing for an———

Mr. Secretary *Dundas* rose to call the hon. gentleman to order. He spoke of his right hon. friend as a member of parliament only; and it was the established rule of the House to presume that no member ever delivered opinions or expressed sentiments in which he was not in earnest. That to assert or insinuate the contrary, was unparliamentary, and a high breach of order.

Mr. *Francis*. I submit to correction, though I really do not think that I said any thing to deserve it. Certainly what I meant was, not to express a suspicion of my own concerning the right hon. gentleman's sincerity, but to indicate to him the impression which the fact, as it stood, seemed likely to make on the general judgment of mankind at present and hereafter. I have no time now to debate a point of order; nor is it necessary. The full idea, which I meant to give, may be conveyed in another form. Instead of a comment, allow me to tell you a short story, from good authority; but whether it be true or not is immaterial. A member of this honorable House was asked, how he voted on the last question of abolition. "Sir, I voted with my friend the minister." How so? I thought you had divided against the bill.—"Very true; I certainly divided against the bill; but I voted with my friend the minister." At the moment, when the secretary of state called me to order, I was going to make an acknowledgment in favour of the right hon. gentleman, and to pay him, what I never refuse even to hostile merit, an honest tribute of applause. What judgment I possess is a good deal governed by impression. I cannot calculate the value, while I feel the effect. I have not forgotten that illustrious night,* when all the powers of his eloquence were summoned to the service, and exerted in the defence of justice and humanity;—when he took the House, at a late hour, exhausted with watching and wearied with debate;—when worn-out attention revived at his voice;—when he carried conviction to our hearts;—when reason in his hand seemed to have no office but

* April 2nd, 1792. See Vol. 29, p. 1133.

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to excite the best of passions in our breasts ;—then, Sir, was the time, if he had nothing to consider but his own glory, then was the moment for him to have chosen to retire from parliament, perhaps from the world. He had arrived at the pinnacle of parliamentary honor, and at the summit of his fame; and there he should have quitted the scene. From that moment and from that station, in my judgment, he has done nothing but descend. If the effort I allude to was no more than the imitation of an action, we may find such imitations still better represented in books, or as well acted on the stage, where reality is not in question. I do not suspect his sincerity on that occasion. But, whether that was an imitation or not, mine is a real action; or, if it be an error, it is I who am the dupe of it. I well know the dilemma in which I am to stand this day. If the motion I have in view succeeds, I shall then be driven to submit to a continuance of the trade. If it fails, the whole existing mischief receives another confirmation. But, on the other hand, if I succeed, a great immediate good is done, progressive in its nature, and inevitably leading to final abolition. If I fail, one material advantage will be gained by it, that the pretences set up by those, who say they cannot yield to abolition, will be unmasked ; and that, with respect to them at least, we shall know what we have to trust to. Such is the perpetual mixture of good and evil, that embarrasses the choice and balances the event of human councils. We cannot command the issue; let us make sure of the intent. The first question that will natutally occur to all parties is, to ask me, what is your general intention? You say, you do not now propose to abolish the trade. Do you mean to emancipate the negroes in the islands? In effect, Sir I have answered that question already. It cannot be my intention, because it is not in my power ; nor would I venture it, if it were. Before I discharged them from their present evil condition, I should be bound to provide for their subsistence and security in a better. Otherwise their freedom, unprepared and unprovided for, might be their instant destruction. They must be furnished with the means of subsisting on the spot, and instructed to make use of them. Liberty, like all other human advantages and enjoyments, has difficulties of its own, which he who has been bred in slavery, will not suddenly know how to contend with. In some cases the planters are ready enough to make their slaves free, that is, to turn them adrift when from age or infirmity they are past their labour, and leave them at liberty to shift for themselves. For this proof of the liberality of planters, the House, I imagine, will give them but little credit. The same principle operates through all their conduct. Their sole consideration is the profit or the loss. The negro in every stage of his existence, is, some way or other, the subject of cruelty or injustice, of which the final effort, when it can exact no more, is to refine upon all the rest, and at last to set him free. I do not say that such conduct has been universal. Undoubtedly some planters are wiser and more humane then others. But that the practice I allude to has prevailed, I affirm from the best evidence, from the laws of the islands, which declare the fact, and pretend to put a stop to it. But for what reason? Is it because justice or humanity forbid that these helpless wretches should be let loose to starve and to perish at the period of their service? No, Sir; no such thing. The laws interpose, avowedly, for no purpose but to destroy a nuisance, to remove an eye sore, or to discourage theft. These immoral beings, it seems, are determined to eat. If you will not give them food, they take it by stealth. The appropriated rights of nourishment are invaded by these free negroes. No edible property is secure from them. And is that an evil to be endured for a moment by an enlightened legislature? —No, Sir, it is not my design to give such freedom on such terms? nor will I leave it to the master to dissolve the relation between his slave and himself, just whenever he pleases. The next question, I expect, is ;—Do you mean to give the negroes equal rights with the white inhabitants? That would be a direct emancipation. What I would do immediately, if I could, would be to place them in a state equivalent to that of voluntary service. That step will follow in due time; but it must be preceded by other gradations. To abolish service in society, is in fact to abolish man. You have heard of fanciful definitions, that man is an animal *bipes et implume*, that man alone makes instruments to act with; but there is no distinction perhaps more striking, more prominent and characteristic, than that he alone of all created beings

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makes use of the service of creatures of his own species. But service is not slavery. It is the free man's calling. In effect, slavery is the very reverse of service. Instead of bad slaves, I would make the negroes good servants. I am sure that the master's profit, on the whole, would grow with the freedom, and that even his morals would be mended by it. A good master makes a good servant, and, *vice versâ*, a good servant makes a good master. The principles act and react on each other. But we are yet at too great a distance from this humble state of improvement. I do not aim at it immediately. Then what is it you propose? I mean, Sir, generally, in the first instance, to allow the negroes every benefit and advantage compatible with a rational and profitable demand on their service; to mend their actual condition, to prepare them gradually for a better situation, and to make them capable of higher improvements. The course and the power should be stated in their place. But, first of all, let us inquire and consider, what is the actual state of the negroes in the islands. I mean to represent it fairly on both sides. In a printed tract, called "A true State of the Question," drawn up with great artifice, under an air of simplicity, I find the following passage, which the author evidently means shall be taken for a general and candid account of the negroes in the plantations. "They have a house and garden for nothing, clothes found them, food found them, both good and sufficient, the best doctors in the country to attend them when sick, their wives and children provided for, and all without any expense. The parson, who lived there three years, says this is the general state of the negroes on all the plantations he saw; and that in a great many parts they catch, by means of springes or snares, abundance of wild pigeons and Guinea hens." Undoubtedly, Sir, if the negroes are really furnished with all these conveniences and amusements, there is no occasion to tell us that it must be without any expense to them. They land naked, and they cannot acquire. To say that they have them for nothing, is only to assert that their labour is of no value. But does any man in his senses believe the statement to be true? If it be, the fortunate islands were never discovered before. Grenada and St. Kitt's are the real Hesperides. A sugar plantation must be a perfect paradise. Be it so. I take these gentlemen at their word. In asserting the fact, they allow the right. To affirm that such is the practice already, is to confess that such it ought to be. Their allegation is an admission. Almost all that I contend for is acknowledged to be right, and in effect, if they speak truth, already granted and enjoyed. Inforce your practice. Compel those planters, if there be any, who neglect or refuse to follow your benevolent example. Confirm your own custom by some legal sanction, and make it binding on all parties. The rights which are held at discretion, may be capriciously resumed; and, even while they are possessed, can hardly be enjoyed. You cannot answer for the justice and humanity of your successors. It is not absolutely certain that your virtues will descend with your estates. Since in effect you give the substance, for what reason should you refuse the security? Your negroes will not work with less dilligence, when they know that their industry and obedience are the certain tenure of their happiness. As long as they have nothing to lose, they are not properly within the reach of good government. At least it is worth trying, whether the fear of forfeiture may not be full as effectual as the dread of punishment. I must call upon you now, Sir, to attend to the opposite side of this flattering representation;—after looking at the picture, to turn the frame and examine the canvas. Very different indeed is the view, which I shall endeavour to give you of the condition of these slaves; but it is that, which I most conscientiously believe to be true. The reality of the case as I shall state it, is founded in the strongest probability and rational presumption on general principles; is supported by direct evidence, and above all things is demonstrated by unavoidable inference from the laws of the islands. My chief reliance is on the last, because, though not in its nature so direct as oral testimony, it is the only sort of evidence, which it is impossible for any adverse party to contradict or dispute. At the same time, Sir, I desire it to be understood that what I state on this subject is stated generally. I do not mean to deny that some plantations are better managed than others; that, in some places, very prudent and humane regulations have been established, and particularly that, when proprietors, who commonly reside

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in England, have visited their estates, their occasional presence has been a blessing to their slaves. Knowing and esteeming many of them, as I do, and living in friendship with others, I should betray my cause as well as my honour, if I did not much more than admit, if I did not contend that a great part of the miseries suffered by the slaves is in fact owing to the constant absence of the proprietors, and would probably be removed or alleviated by their presence. Had it been my lot to have possessed an estate in the West Indies by gift or inheritance,—such property assuredly I never would have acquired by an act of my own,—I should have thought it my duty, in the first instance, against every motive of personal reluctance and dislike, to have visited my estate, to have examined the condition and treatment of my negroes with my own eyes, and, before I allowed myself to think of any thing else, to give and insure to them at least as much comfort and happiness as might be compatible with the demand of a reasonable and a fixed proportion of the amount produce of their labour. What more I would have done, in the same pursuit, may be collected more usefully from the scheme, which I am gradually unfolding to the House, than from an abrupt declaration of it at present. Speaking generally then, and not without exception, of the actual situation of negroes in the West Indies, I say it appears to me, from all the evidence to which I have alluded, that they are a collection of human beings existing together, but not in a state of society;—that they are under no law, but that of arbitrary will;—that they know of no government, but the whip;—that they have no effective protection, in laws or in magistrates, against personal cruelty on the part of those white men, who exercise the offices, too often united in one person, of managers, overseers, and drivers, nor any shelter from the severest punishments, but in the prudence or humanity of those officers;—that there is no bond of marriage among them;—and finally that, in this state, they neither have, nor can have, nor in fact is it intended that they should have, any idea of morals or religion. If this be generally their condition, it follows of course that, even if the propagation of negroes in the islands were not directly discouraged, as it is, by the planters, they could not increase and multiply, as beyond all doubt they would do, if they were to partake of the common benefits of society, or even if they were sure of protection from outrageous wrongs. The cause is proved by the effect. They, who affirm that the contrary is true, that propagation is really encouraged and protected, are bound to show, why they have not succeeded in the course of a century, and why a continued importation of adult negroes from Africa is still necessary. If you trust to their experience of the effect of their own measures, the necessity can never cease. You must perpetuate the importation. I wait with curiosity to hear, with what arguments and proofs they support so extraordinary a proposition. They will find it a difficult task; and they may be sure of my attention to every thing they say. Not a word of it shall be lost. But, until I receive new lights on this part of the subject, I must continue in my present conviction, that there is no marriage among the negroes (by which I do not mean a casual cohabitation, but a real bond of union), because there is no protection to marriage, and that, without marriage, there can be no certain propagation, or care of the infant. For what reason should a negro marry? That his wife, if she has any personal attractions, may be at the mercy and disposal of the driver who whips them both? That his children, if they are suffered to live, may be slaves like himself? And do these people expect us to believe, that the productive power of mere animal instinct, if in fact it were protected and encouraged, is sufficient to overcome the moral order of nature, and the dispensations of Providence? Promiscuous cohabitation is generally adverse to increase; but, in the case of the negroes, though birth were not prevented, death must follow. What care do you think is likely to be taken of the mother or the child, when children are considered as a loss and a burthen to the estate?—Do you mean then to impart directly to the negroes, now in the West Indies, the immediate benefit and enjoyment, as far as a state of servitude is capable of it, of law and government, of morals and religion? No, Sir, that is not my intention. I know too well that they are not in a state to receive these benefits, or to profit by them. You might as well attempt to sow wheat upon a marble table, or on a gravel walk, and expect a plentiful crop in return. Before you plant, you must

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prepare the soil; otherwise the expense is wasted, and the labour thrown away. Something must be done, in the first instance, to raise their degraded minds, and to excite their faculties, before you attempt to make them productive. What idea can they form of a government, or how can they regard it, from which they experience nothing but punishment? How can they confide in laws, which place no confidence in them, and from which they derive no protection? What conception can they have, or would it be possible to give them, of moral obligations, as long as they exist without a social relation of any kind, not only to the whites, who to them are a distinct order of beings but even to one another. Many well-meaning persons, I know, have wished and endeavoured to impart to the negroes some notion of a Deity and some sense of religion. Without blaming the intention, I lament the misapplication of a pious principle, and the inutility of a virtuous attempt. Again I entreat the House, most earnestly on this point, not to anticipate my argument, not to conclude hastily either for me or against me. My language, on this subject, may be offensive to vulgar ears, or to superficial observers; but examine it well, and you will find, that it proceeds from the deepest sense of the truth and reason of religion. These serious considerations are not foreign from my purpose. The legislator, who leaves religion out of his scheme of government, whatever, it may be, knows nothing of human nature, and but little of his office. But, in all the operations of human contrivance, gradation and order are essential to success. The negroes, in their present state, are incapable of the benefits of religion, because they are not prepared to receive them. To give them, as they are, a confused idea of a power and providence above them (which is the utmost you can do) would be much worse than useless and ineffectual. I say it would be dangerous. In failing, you only waste your time. I dread nothing but your success. Baptise your dogs. Baptise your horses. These annimals you caress. They feed from your hands; and, above all things, they do not know that they are your slaves. But beware of persuading the negro of the existence of a being of whose power and attributes he can know nothing, but in the miseries it inflicts, or permits to be inflicted upon him. His simple reason will tell him, in effect, that to him it is an abstract proposition: that, whether true or false, he has no manner of concern in it; that all the benefits of existence are reserved for the whites, and nothing for his colour, but degradation, slavery, and stripes. Is this the impression you wish to make by your instructions? Whatever you may intend, the untutored mind of the Negro is capable of any other. What then? Is it my purpose to keep the Negroes as they are, without a sense of the truth, or a share in the blessings of religion? God forbid. My intention is directly the reverse. I have consulted the Book of Wisdom, and shall follow the precept as it is written. He, who reads that book without emotion, in my mind, has no feeling; he, who reads it without relish has no taste. Begin with yourselves. Do not intercept all the goodness of Providence in its passage. Let some portion of its benefits escape from your grasp, and descend to your fellow creatures. By degrees the negro will conceive, without envy, that it is your lot to occupy an order of existence above him, consistent with his happiness, and possibly the medium, through which he is to receive it. Give him benefits, and he will return thanks; give him hope, and he will pray. Why should he be grateful now, or what purpose should he pray? Despair never prays; extreme guilt rarely. The publican hid his face. You have heard of the parable of the sower and the seed. From a man, whose life has been wasted in the pursuit of business or of pleasure, and perpetually traversed by disappointment in detail, though successful in the result, these things may have more weight, perhaps, than if they came directly from the temple and the teacher. The only seed which brought forth fruit, was that, which fell into good ground. The good ground is that which is duely prepared. Without cultivation, the richest soil produces weeds, aud nothing else. If then you seriously and rationally mean to give religion to the negro, prepare his mind to receive it. By what means? By direct information? By positive instruction? No. Give him a footing on the ground, though it were but a point. Give him a station in society, even the lowest that can be found. At present he has none. He belongs to no order. Give him some tenure in the earth, if you mean to exalt his thoughts to any thing above it, his mind is elastic

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as well as your's; but it must have something solid to act upon. These are the premises. Then what is the conclusion? In one word, give property to the negroes. What! property to a slave! to a being, who is not the master of his own actions, who is not the owner of himself! Yes. I say, property to a slave. I mean a property in the soil, the best for their use, the most convenient for yourselves, qualified and limited on one side, and accompanied on the other with time and means to cultivate, and security to enjoy. Without those conditions, the mere grant of property would be nominal and nugatory. I am not alluding to goods and chattels, but to a real though inferior tenure in the land. To that sort of property in all its degrees, cultivation is the origin of right, antecedent to laws and even to society. But, if that proposition be true, how peculiarly powerful is the inference in favour of the negro? The moment you forced him to work, you gave him the claim, and much more than I contend for. To some participation at least, the labour and the right are inseparable. I say that the protection of property is the cause and foundation of society. In that single and simple principle is involved, and out of it will gradually unfold, the benefits, the orders, and the improvements of social life. In that acorn the whole oak is included. Give it time to take root: give protection to the plant; let it thrive and flourish. The ornament and the use will pay you hereafter. The branches, as they expand, will shelter you from the storm. The majestic stem itself, even when it falls, will be devoted to your service. From this single act of giving property to the negroes, the improvement of their faculties and character as well as of their condition will gradually and necessarily proceed, or on this stock it may be grafted. The cultivation of the earth is not merely the source of nourishment, or comfort, or personal enjoyments, but of order, laws, art, and science, of every thing that is most refined, and most purely intellectual in the human system. Even eloquence, music, and poetry, though last in succession, are the progeny of the earth. Morality and religion undoubtedly derive from a higher source. But this is the medium through which they are conveyed to us. "Primal dedit leges, Cereris sunt omnia munus." You may not believe in the inspiration of poetry; but I am sure you will listen and submit to the wisdom of a king. You have it from royal authority, that "truth shall spring and flourish out of the earth." What can that sentence mean, but that human knowledge, with all its illustrations in society, was intended to originate from the clod, broken by the spade, or turned by the plough; and that the labour bestowed upon the earth, is the first step to the cultivation of the mind? Before I proceed to specify the sort of property, in which I wish the negroes to participate, I am bound to show generally that rights of property are not incompatible with a state even of absolute slavery, and that in fact they have existed together, under governments, which, in other respects, exhibited no sign of lenity, or even mercy, to their slaves. It was the practical wisdom or policy of those states, which, only in this respect, and for a public purpose, prescribed a limit to the power of the master, though, in all other instances, utterly arbitrary and uncontrolled. By the custom of Rome, if not by positive institution, the slave might acquire, by extra work, or by savings on his allowance of grain, a *peculium* or private property, which the master could not take from him, though he might dispose of his person. I do not know that the *peculium* was provided for by the laws of the twelve tables; but it was considered as a customary right, and protected by the *Prætor*. This money, with their master's permission, they laid out at interest, or purchased with it a slave for themselves, from whose labour they might make profit. They might buy out their liberty, and have their names inserted in the censor's roll; by which they obtained some of the advantages attached to the condition of a Roman citizen, though the relation between the freedman and his master was not entirely dissolved. Even while the bond continues, the allowance of, or the connivance at petty profits by the slaves tends of itself to soften and efface the impression of slavery, and to convert it gradually into the condition of voluntary service. The essential difference between slavery and service is, that one is forced, the other is voluntary. Montesquieu says that, in Germany, the labour of the mines, in itself severe and odious beyond all others, was maintained by the encouragement of little privileges, perquisites, and profits to the miners; that they were even brought to love their con-

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dition, and to live happily in it. From this fact he concludes, that there is no labour that man can execute, which may not be performed by freemen. My conclusion from it is, that the more of freedom you can impart to a slave, the more he will labour, provided it be accompanied with a gradual accession of profit. "Cupiditate peculii nullam conditionem recusant durissimæ servitutis." In society, or in contact with society, I hold that the possession of property, of some kind and to some degree, is more necessary to a slave than to a freeman. It tends to give him not only comfort but protection, and necessarily prepares him not only for social benefits, but for personal improvement. The savage is satisfied with his liberty. Instead of stationary labour, he ranges for subsistence; and, having little or no idea of property, has still less of laws or settlement. In society, a free man may do without property; because he is free. His liberty is his freehold. Without acquisition he may have enjoyment. But, in some way or other, he must serve, or he must labour. So must we all, though in different senses, or in opposite directions. The many cannot govern the few, nor do they desire it. But is there a rank in society, including the highest, in which the master in effect is not very often more a servant to his servants, than they are to him? From my own experience, though on a little scale, I can affirm it to be true. But the relations between the different classes of mankind, to be usefully maintained for any, must be reciprocally observed by all. In the lowest situations of life, the people know, as well as we do, that wherever personal industry is encouraged and property protected, there must be inequalities of possession, and consequently distinction of ranks. Then come the form and the order, by which the substance is at once defined and preserved. Distribution and limitation prevent confusion, and government by orders is the natural result of property protected by freedom. Take care that you adhere to it. Where the few possess all, and the multitude have nothing, there is no government by orders. Every thing is in extremity, and nothing in gradation. It is ignorance or calumny to say, that if the poor man was allowed his humble share in the allotment, he would feel any disposition to invade the portions of the ranks above him. Equality of condition is impossible. They who talk of it to the people, mean nothing but to deceive them. The very act of justice and good government, which secures to every man his respective right, excludes the idea of positive equality. The Roman slave had some rights of personal property, though he had no other. That example, however, is but little to my purpose compared to the condition of the Helots, under the tyranny of Sparta. My general wish and object is to make the service of the negroes, as much as possible, a real service, by attaching it to the soil, and as little as possible a personal service. The negroes, in our islands, are equally subject to both, or may be capriciously transferred from one to the other. The horrible barbarity, with which the Helots were treated, was the deliberate policy of the state, not the indulgence or result of personal cruelty. The Spartans were far outnumbered by the Helots. The security of the few was thought to be incompatible with common justice, or even with common mercy, to the many. One crime produced another. The first violation of right, in reducing a free people to slavery, could only be supported by a perpetual outrage to humanity. Such at least was the principle and practice of that extraordinary government, in which every thing was original and unexampled. In another instance, directly applicable to my present purpose, they departed boldly from all the vulgar rules of human prudence; and yet they acted wisely. They renounced the uses of property for themselves, and in effect gave the lands of Laconia to the Helots, to be cultivated by them, on the sole condition of returning to their masters a fixed and certain tribute in kind, equivalent to a quit-rent, which could never be increased. To every other intent of use and profit, the Helots were in fact proprietors of the lands. The amount of the demand on the produce of their labour being once made unalterable, a vigorous and general cultivation followed. Many years ago, I endeavoured to inculcate a similar principle on the English government of Bengal. I said then, and I say now, leave the lands with the natural owners, the Zemindars, and fix your demand of a certain portion of the produce at once and for ever. Subject, as it is, to a foreign dominion, much heavier in detail than that of a single resident despot, Bengal cannot exist, with security of any kind to the natives, or with permanent advantage to the govern-

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ing power, on any other principle. The effective right of property was inviolable in the Helot, though subject, in his person, to a cruelty at once deliberate and capricious, and though his life was never safe. He still held a middle rank between the freeman and the domestic slave. The Helots were commonly inrolled in the Spartan armies; and, though seldom rewarded for their courage or fidelity, their condition was mended, at least as long as the war lasted. The life of a soldier, with all its fatigues and dangers, is undoubtedly preferable to that of a slave. We are told that the negroes on our plantations are always ready to take up arms for their owners, and to fight in their defence; and this is advanced for a triumphant proof of their attachment, and consequently of the mildness with which they are treated. In some cases, it may be so. I have no wish or occasion to overstate any thing to the disadvantage of the planters. But, generally speaking, the fact does not prove the proposition. All it proves, with any certainty, is, that in the army the negroes are sure of food and clothing, and exempted from field labour and arbitrary punishment. How were the armies of Lewis 14th recruited in the latest of his wars? The distress and misery of every other condition of life drove all men into the army, where alone it was possible to subsist. How often have we been told that the wonderful facility with which the French have been able to keep their forces complete in the present war, proves nothing but the general desolation of the country, and that all the bread, that existed, was reserved for the army. This example of the Helots, Sir, is direct and powerful to my immediate purpose. They were slaves, and they had landed property, or an equivalent to it in the use and enjoyment. In our own ancient history, the first estate or tenure, superior to downright slavery, but inferior to every other condition, was that of a *Villan regardant*, whose service was annexed to the manor or to the land, and who could not be separated from it. To a state resembling this, I would, in the first instance, raise the negro. The planters should be obliged to furnish every adult negro, as they say they do at present, with a cottage and a small portion of land for his own use, with implements of tillage, and a fixed allowance of time for cultivation; the entire produce to be his own. In some of the islands, this allotment may be made with greater ease and convenience than in others. But no plantation should be so overstocked with negroes, no more than a farm with cattle, as not to leave room enough for the production of subsistence. Ground food is the only nourishment, in which the negroes have any pleasure. The House will observe that I mean to confine myself to the general principles and outlines of a plan, the detail of which will appear before you more distinctly in another form, if I should be permitted to proceed in the manner I propose. Marrige must be encouraged; I mean a real bond of union between the sexes. A certain participation in the usufruct of the land, however limited and qualified, is the first encouragement to marry. The marriage must be contracted with some ceremony, and recorded in some form; and then it must be seriously protected. By the laws of some of the Grecian states, if a master violated the wife of his slave, the husband and the wife were instantly free. "Leges pudicitiæ sunt juris naturalis." Direct force or violent compulsion of any kind, employed against a negress, should be punished with death. Corruption of the wife should make the husband free. It is shocking to human nature to think that personal protection, even to this amount, would constitute in itself a state of improvement. But, once granted and secured, it would of necessity lead to greater. I know that, according to the actual laws of the islands, in which you will find that principles are for ever deduced from practice, the difficulty of convicting a white man of any crime against a negro, is little less than insurmountable. The negroes are not supposed to be moral agents. Against a white man, no evidence of theirs is admitted. The laws, if they were good, cannot act for want of proof. The hand of the magistrate, though disposed to punish, is disarmed or suspended. The most shocking acts of cruelty are encouraged by impunity; and, in the midst of horrible sufferings, there is no complaint. By mending the positive existence of the negro you will gradually raise him to a moral character, sufficient at least to make his evidence admissible. Without it, he can have no protection from the laws. His credit and estimation will grow with the interest you give him, and keep pace with the advantages, in which you suffer him to participate. In no case should the negroe be re-

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moved, against his will, from the spot which he has cultivated, much less from the estate. They should always descend, or be transferred together. In no case should wives be separated from their husbands, or children from their parents. In these institutions I lay my foundation. Particular regulations will follow in their place. There should be a general limitation by law of the hours of labour according to age and sex. Indulgence to weakness or infirmity must still be left to the discretion and benevolence of the master. Every negro should have the privilege of applying the petty profits of his industry to the recovery of his freedom, by buying out the remainder of his slavery, or some part of it, at a price to be fixed by law. Fathers and mothers, who have brought up a certain number of children, should be rewarded with premiums, and the mothers exempted from labour. No man should be deemed capable of the office of overseer or manager of an estate, who was not of a certain age, and married. The superintendance of female slaves would naturally devolve, as it ought, to the care of his wife. I need not paint the cases, in which the sympathy of a woman and a mother would be a source of comfort and relief to these creatures. The sufferings, appropriated to the sex, demand the office, and allot the department. I am not, Sir, so weak or inexperienced as to expect that, if laws were ever so judiciously framed to accomplish all these salutary purposes, they would execute themselves, and especially in the West-India islands, without the concurrence of other establishments. Undoubtedly there must be special courts, and magistrates and officers, to receive complaints, to prosecute, and to punish. There must be a judge conservator of the negroes in every island, with an advocate and attorney to plead and act for them, appointed by the king, and dependent solely on the crown, with sufficient salaries, and no way interested in the property or produce of the plantations. Under the principal judge, and by his deputation, there should be itinerant inspectors, with some of the powers of a justice of peace, who should travel occasionally, and not at stated periods, in circuits through the islands, give notice of their arrival at convenient stations, and wait there a sufficient time to receive complaints; in petty instances, to give redress; in graver cases, to institute a more serious proceeding before the superior court. I have another measure in contemplation, materially connected with the general object of relief, for which I am contending, though it be not to operate immediately in the islands. I know that, in the circumstances to which I am compelled to submit, it could not fail of producing many salutary effects; and yet I cannot mention it without a deep sensation of regret. With or without it, the general plan might proceed. But, if the plan fails, the measure I allude to is indispensable. I shall submit it to the consideration of the House, as I received it from a gentleman, who possesses a considerable property in Antigua, and with whom I have the happiness to be united by personal friendship as well as by alliance. As it is still permitted to be the will of Parliament, that this infernal trade should continue, let us endeavour to mitigate, if we can, the horrors that belong to it. There ought to be commissioners stationed at the principal places of traffic on the coast of Africa, with salaries sufficient to engage men of character to accept the office, and with legal powers to examine the accommodation in the ships, to superintend and regulate the purchase of negroes, to act as magistrates of the market, to prevent or put a stop to treacherous or fraudulent transactions, to see that iniquity and injustice are at least conducted fairly, on their own pretended principles, and without unnecessary aggravations. Above all things, it should be the care and duty of such commissioners to prevent the separation of families—not to suffer the wife to be divided from her husband, the sister from the brother, the infant from its mother. The sales in the islands should be governed by the same rules. A multitude of other duties and offices, with which the commissioners should be charged, will occur upon reflection. That a case should exist, with the consent of an enlightened government, in which such an institution should be wanted, is shameful, is intolerable. I am sure it is an opprobrium to the name of England. In the treatment of the negroes in our islands, of all its evils the most grievous and afflicting remains to be considered. As long as it exists, I know that general institutions, laws, and magistrates, will avail but little in their defence. The arbitrary power of the whip, committed to men without feeling, to be exercised in anger, and unchecked even by the interest

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of an owner in the well-being of the object, is not in its nature capable of regulation, or subject to control. To limit the number of stripes, to interpose between the naked helpless wretch,—a pregnant woman perhaps,—and the uplifted hand of the driver, would be an unjust invasion of necessary authority, and possibly in its consequences might hazard the crop. For a mischief of this kind there is no partial remedy. In the place of a despotic power of punishment entrusted to a single person, I would substitute a form of trial, not less effectual to insure the reasonable demand on labour, and equally safe to the only interests, which the planters seem to think of. I would give jurisdiction to the negroes, in every plantation, over one another. The whole gang of males adult should constitute the pannel, out of which a kind of jury should be formed by lot or by selection, with a right of challenge, on one side to the offender, and on the other to the master, or to his representative, who should superintend and regulate the proceedings, and mitigate or remit the sentence, if he thought proper. Gentlemen, who are fond of justice, may apprehend, perhaps, that a black tribunal would rarely if ever inflict sufficient punishment on a negro. I, for my part, am confident that, as soon as they understood their office, and were sensible of the trust reposed in them, they would rather lean to severity, and that the overseer would often find himself obliged to restrain it. On this principle, the discipline of our armies in India is effectually maintained. An hon. gentleman near me (general Smith) can give your better information on this subject. But I know enough of it to be able to assure you that no Sepoy can be punished but by the sentence of a court martial composed of native officers, who have all been taken from the ranks, and with an European officer to act as judge advocate; and that I never heard the justice of their proceedings disputed. As long as they are tolerably well treated, they are attached to their officers, and will follow them as far as the best British troops. A remarkable instance of this attachment, and of their disposition to do even more than justice on offenders of their own cast, occurred a few years ago. Captain Ewans, an officer general beloved, at the head of his battalion, was murdered by a Sepoy, who suddenly went out of the ranks and shot him, without notice or complaint, or any provocation that could be discovered. The whole battalion saw the fact. The grenadiers on the flanks immediately wheeled without orders, and surrounded the assassin. The difficulty then was to prevent their tying him to a horse's tail, and dragging him to death without a trial. The British officers insisted on his being regularly tried, and executed in the usual military form. I need not, however, have gone so far from the islands for a successful instance of practice founded on the same principle. I have not the honour of knowing the gentleman, whose example I am going to appeal to; I mean sir Phillip Gibbs; but I know his character, and what his conduct has been in the management of his estate in Barbadoes. The former is eminently humane; the latter equally judicious. His virtues are to me a proof of his wisdom. He gives his negroes land and stock, with time to cultivate. He feeds and clothes them well. He encourages marriage among them, and allows of no punishment but by the sentence of a jury of negroes. The consequence is that his slaves do double the work of others, because they are better able and more willing. The instructions he has given to the managers of his estate are a model for imitation. The success and the profit have corresponded with the benevolent design. Before I quit this first division of my subject, I owe it in justice to an honourable person, lately a distinguished member of this House, as well as to my cause, not to conceal the lights I have received from him, and to avail myself, as far as I can, of the concurrence of his authority. On a subject of this nature there cannot, in my opinion, be a greater. I mean Mr. Burke. Divided, at we are, by an irreconcileable difference of opinion on another important subject, and separated in private life as long as that unfortunate question continues, I still hope and believe that the bond of personal friendship and good-will between us will never be dissolved. As soon as I had determined to take an active part in this business, I went to Mr. Burke, as wiser men have done before me, for advice and information. I know how little I am qualified to occupy his station on any subject, and that I have undertaken a task, which eminently and peculiarly belonged to him. To form and to digest a complete and perfect code of laws, on a subject so extensive and so full of difficulties, would

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be a work appropriated to the powers and compass of his mind. His industry and perseverance alone could carry it into execution. On a transcendent question, such as this, of morals implicated with policy, the eminence of his mind extends his view, and gives him an horizon, which vulgar vision cannot reach to. If Mr. Burke were here,—for his own happiness I cannot wish it,—this would be his office. How gladly would I resign it to him!

Non foret ambiguus tanti certaminis hœres.

I have not seen the plan which he drew up some years ago, and which he then communicated to a right hon. gentleman, high in office in Ireland (Mr. Pelham); and since to a right hon. friend on the other side (Mr. Windham). Nor would I avail myself now of his permission to see it, because I soon perceived that it went to an extent and embraced a multitude of objects, which I knew it was impossible for me to manage. To force them on my mind, without capacity to receive them, would be only to embarrass or utterly to discourage me. Perhaps, too, I might differ from him on the most prudential course of proceeding. You will not suspect me of setting my judgment in competition with his. If it were possible for him to lead the cause himself, I should hold myself ready for any subordinate part in it, and to be guided by his judgment. But, if I am to act, I must act upon my own. I am not thoroughly convinced of the advantage of forcing a great variety of institutions to march together and in front. Or possibly it would be more honest to say, that I consult my own infirmity in leaving as much as I can to the gradual operation of those simple principles and limited institutions, which I am more able to comprehend, to arrange with effect, and apply to practice.

The House, Sir, is now in possession of the general object and principles of the plan, which I meant to lay before you. There are some persons undoubtedly, whose hearty concurrence I am not sanguine enough to expect; but I do not believe it possible that any man will directly and openly assert, that such an object, if it were attainable, is not to be desired;—that such a plan, if it were practicable, is not fit to be encouraged. No human resolution will go that length. I know, as well as they do, on what ground they are prepared to meet me, and for what question the strength of their opposition is reserved. Admitting the measure to be eligible in itself, they ask me now by what means do you propose to carry it into execution? What course would you pursue? What power would you employ? I shall not keep these gentlemen in suspense. My answer, I see, is waited for with an impatience, which indicates the certainty and anticipates the triumph of immediate victory. They exult in the practical difficulties inseparable from every attempt to do good in this world, and which, they trust, are insurmountable in the present instance. Well, Sir, I am ready to gratify their desire, and prepared, as I think, for all the objections that can be rationally urged against me. This part of the question is not new to me. What I know of it is derived not only from study and reflection, as deep as I am capable of giving to any subject, but from the wisdom of great men, whom I have known, and from the experience of events, which have happened in my own time. Though too young to take part, I was old enough to observe, and I had access to some of the greatest sources of instruction. The power, which I mean to resort to, for carrying this plan into effect, is that of the British parliament over the colonies of Great Britain. No man is fairly at issue with me, who does not distinctly deny that power. Is there a statesman in this House, is there an individual of any rank or consideration here, who will take it upon himself, directly and plainly, to maintain that denial or, in other words, to affirm, that in no case whatever has the British parliament a right to make laws to bind the British colonies? I cannot believe it. But, if there be, let him come forward and declare himself. On that question, inconsiderable as I am, and bold as it may appear, I am ready to meet him in front, to show that he knows nothing of the principles of legislation, of the policy of states, or of the duties of government, and to make him, for his ignorance at least, the scorn of mankind. If he admits that cases may possibly exist, in which the power may be necessary, and the right undisputed, I then shall have nothing to prove, but that this is eminently a case in point, in which the application of the unquestionable power of parliament must be resorted to, because no other power on earth is equal to the purpose. I am as ready as any man to allow, or to contend, if it were necessary, that the transcendent power of

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parliament to make laws for every part of the British empire, where it has not been formally relinquished, is not, in prudence, to be used on ordinary occasions, when the subordinate powers of legislation can act with equal effect in their several departments. It is a right reserved for great emergencies. To say that it ought to be reserved, is to acknowledge that it exists. Without evident necessity, I would neither urge the case nor agitate the right. Occasions vary, and prudence must be consulted. But rights are not given to lie dormant for ever. They have relative duties attached to them. According to the occasion, the right is to be exercised, and the duty to be performed. Necessity alone, if the thing must be done, and if there be no alternative, conveys a right, or stands in the place of it, to act for the general welfare or for the public safety. I shall show you hereafter how little is to be expected, on this subject from the power, even if it concurred with the disposition of the colonial assemblies, and that, by their means, a real and effective alteration in the condition of the negroes can never be accomplished. But I have first another argument to maintain, and better ground to stand on. In a former debate, the example of America was held out to deter us from acts, which might alienate the West India islands, and drive them to look elsewhere for protection, if not to resistance. At that time, nothing was in question but the abolition of the slave trade. This night you may be sure of hearing the same argument repeated, or rather of seeing the same weapon uplifted to awe your deliberations. Let the question be what it may, they are equally ready with it. If the West India islands would not submit to abolition, how will they endure the interposition of the legislature in any thing that touches their internal government? Such is the language of Englishmen, sitting among us, to the legislative authority of their country. Let us see, with what reason they resort to the example of America. I am as ready to appeal to it as they are. I know where that fatal question originated. No part of the argument, which divided this country on the merits of the stamp act, or of the events, which followed it, have escaped me. With all those transactions in my view, I declare now, on the principles and in the language of lord Chatham, that I "rejoice that America resisted." If this be a concession, these gentlemen are welcome to it. I do not believe it will avail them. I rejoice that America resisted with success, because it was a triumph of unquestionable right over outrageous wrong, of courage and virtue over tyranny and force;—because the issue of that contest has provided a refuge and left us an asylum, when existence in Europe, perhaps even in England can no longer be endured. The nations, crushed by taxes for the support of powers that oppress, or of wars that destroy them, have still the consolation of knowing that peace, and freedom, and plenty, are to be found in America, and that there is still a country in the world, where every man enjoys in security the fruits of his industry, and the produce of his labour. Who is there, who can pronounce with certainty that a period is not approaching, when no other refuge may be left us?—On what ground did the Americans first dispute the general legislative authority of the mother country? Did they assert that a British parliament had no right to bind or to regulate a British colony by its laws, in any case whatsoever? Did they ever maintain a proposition so absurd and so monstrous as that protection gave no claim to obedience, that those duties were not reciprocal; that a nation *sub tutelâ* owed no submission to the tutelary power by which it was protected, that the ward owed nothing to the guardian, the pupil to the tutor, the child to the parent;—that such offices were nominal, and gave no right to act even for the benefit of the pretended objects of their care? No, Sir; America had too much wisdom for herself, as well as too hearty an attachment to England, to hold such foolish language, or to maintain such dangerous doctrines. See how she has lately acted to some refractory dependencies of her own. The moment such principles prevail, there is an end of all unity of government in the world. In an extended empire, every distant province may set up for itself. Every one of your islands may be an independent state. If I aimed at their destruction they should have my consent to be so. You would soon see them at your feet with supplication to you to resume your station, and never to relinquish your authority over them. That authority was not disputed by America, until it was extended to purposes unconnected with general regulation, and exercised on prin-

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ciples, which, if once they were admitted, left no security to the Americans for any thing they possessed. The claim, which they resisted, was that of direct taxation by a House of Commons, in which they were not represented. They asserted truly, that taxation and representation were inseparable;—that the right grew from the fact, and could not exist without it. In private life, the guardian regulates the conduct, and even disposes of the property of the pupil, for his maintenance, for his service, or for his education. But it does not follow, that he may take any part of it for his own use or benefit. The first may be a duty; the second would be a robbery. The protecting power has a claim to obedience, not to money. To prevent any farther question on this subject, all claim to lay taxes on the colonies was formally renounced in the year 1778. The act of the 18th of his present majesty, commonly called governor Johnstone's act, "declares and enacts, that the king and parliament of Great Britain will not impose any duty, tax, or assessment whatsoever, payable in the colonies, except such duties as it may be expedient to impose for the regulations of commerce, the nett produce of such duties to be always paid and applied to the use of such colonies."—This surrender, on the part of Great Britain, is specific. All the other general rights of the mother country remain unaltered. The concession, by which one particular point is given up, amounts in fact to a re-affirmance of the rest. The question then is, whether the measure I propose, and particularly that part of it, by which the planters would be obliged to allot some portion of their land with a cottage to their negroes, be or be not an act of taxation. I desire to confine myself to this point at present, because I do not mean to insist that a provision for the salaries and establishments of magistrates, advocates, and commissioners may not properly be the subject of a different consideration. What I am now speaking of is the allotment of a share in the usufruct of the estate to the service and benefit of the estate itself, and to no other purpose. Nothing is taken away from the owner, nothing is applied to the uses of government. The tenure of the *villan regardant* was in its nature usufructuary, and was never understood to limit or impair the right of the proprietor to the property of the soil. Now I affirm that it is essential to the character and definition of a tax, that the amount shall be taken from the contributor and applied to the service of the crown or of the public. To appropriate and allot an existing fund, whether in land or money, is not of itself an act of taxation. But, if it were so, what pretence have these gentlemen to appeal to the case or to quote the rights, which justified the resistance of America? Is there any resemblance between the two situations? The Americans resisted taxation, because they were not represented in parliament. The folly and injustice of this country, by persisting in a claim of right, which never could have been effectually exercised, and which at last was relinquished, drove the Americans to the necessity of asserting much more than their original pretensions amounted to. They began with petition and remonstrance:—they appealed to the sword, and established their destined independence long before its natural and inevitable period, before they themselves had foreseen or desired it. In the fullness of time, and in the maturity of their state, separation and independence must have been the lot of America. The Herculean infant would necessarily have burst its cradle, and broken loose from its leading strings. But then the union of the two countries would have continued unimpaired. The mutual relations of kindness and friendship would not have been dissolved. Affection and attachment would have occupied the places of authority and dependence. Between the case of America and that of the West India islands there is no similarity, nor are the same consequences possible. Is it true, in fact, that the property of the West India islands is not represented in the House of Commons? Of what sort of persons does that party consist, which, on the subject of the slave trade, carries every thing before it in this House? Why, Sir, it is one of their allegations, when it suits their purpose, that the property of the islands is vested in Great Britain, that is, in the hands of resident owners, mortgagees, merchants, and creditors. They are all on the spot, to represent the interests, and to defend the right of the islands. They, at least, are the subjects of Great Britain. They, at least, may be compelled by the power of parliament. If they are not your subjects, what are they? The Americans, on the contrary, resided on their own continent, at a distance, which made com-

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munication impracticable, and not only without representation, but not even in contact, and much less in sympathy with the power that pretended to tax them. The progress of their population had no limits. An unbounded territory expanded to receive it. The Islands have their boundary fixed by nature. The number of their white inhabitants cannot increase beyond a certain point, and must always be inconsiderable in comparison with the negroes and people of colour. Of some superior power, of some protecting dominion, the islands must for ever be the colonies or the dependencies. In the nature of things they never can be independent states. Their representatives in this House talk boldly of separation, and even intimate resistance. I would not drive them to that issue. If they can make out their right, I would never put them to a trial of their strength. Their arguments and their power are pretty much upon a footing. They know that, if they were unconnected with us to-morrow, and if it were possible for them to maintain their independence against France and America, the great market for their produce is in the consumption of these kingdoms, and that to this market they must bring it on any terms, which parliament should think fit to prescribe to them.

I have already intimated, that it is not my intention to propose any thing, that should really trench on the question of taxation, or furnish a pretence to cavil or to quarrel with the general views and purposes of the measure. I need not argue about privileges, which I have no thoughts of invading. If the sums required to pay the salaries and to support the establishments made necessary by this or any other plan, were to be raised in the Islands by the direct authority of parliament, the objection would then be in its place, and proper to be considered. That point is not in question, and need not be debated. If the colonial assemblies cannot be prevailed upon, by a recommendation from the crown, or any other means, to provide for such expenses, the charge must be borne by Great Britain, and may easily be assessed upon objects, unquestionably within the disposition of parliament. I am ready, for my part, to contribute to it, by a perpetual rent-charge on my estate, to a greater amount than can be reasonably stated as the just proportion of any individual.

Waving now, Sir, all farther consideration of the strict right of parliament to act legislatively for the general benefit of the West India islands, I know there is another important question to be resolved. Since the different islands have colonial assemblies or inferior parliaments of their own, why do I not prefer some course of application to those assemblies, and try whether all the useful purposes of the bill, which I am endeavouring to recommend to the House of Commons, may not equally be effected through that medium? The question is fair, and I shall answer it frankly. In the face of experience, and against all our knowledge and observation of the principles, character, and proceedings of these assemblies, let us suppose for a moment that a general disposition did really prevail among them to impart to their negroes some share in the natural rights of human creatures, labouring in their service, and a legal security for the possession of them. Within these few years, since questions on this subject have been warmly revived and repeatedly agitated in England, they have had opportunities and incitements enough to indulge their benevolence, and to take the business into their own hands. But neither have they discovered such an inclination, nor do I think it was in their power to have concerted a general plan, or to have pursued it with effect. Partial alterations might possibly have been attempted in the several islands, without system or connexion, according to the accidental temper or prevailing discretion of the different assemblies. Some would have granted less than others. Very little, I believe, would have been yielded by any of them. But, were it otherwise in point of disposition, their number and their distance from each other would have made it impossible for them to deliberate in concert, or finally to concur in a uniform conclusion. The colonies of North America were in contact with each other, and were capable of acting under one direction, for a general object. The islands have no union of views, no common bond of interest, to engage them to agree in a general resolution; much less have they a union of power to inforce it. So much the more necessary is it, that there should be somewhere a superior indifferent tribunal, and a binding power paramount to them all. No authority, adequate to the purpose, can exist but in parliament. If one of the provincial legislatures presided with so-

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vereignty over the rest, it might possibly be sufficient to form the plan. The difficulties of the execution would still be insurmountable. But, let their capacity be what it may, the principal disqualification lies in their rooted aversion to the measure, and in their contempt of the objects of it. Such is the invariable influence of arbitrary capricious power, to vitiate the human mind, to make us hate, when we have injured; and despise, when we have degraded. A great deal, it is said, may be expected from the virtue and prudence of the colonial assemblies. Let us try the value of that expectation by the test of experience. To judge of what they will do, let us see what they have done. I place no confidence in professions, unsupported by conduct. I have examined their laws with care and attention. I have read them with patience, with weariness, and disgust. I do assure you, Sir, it is not easy for an English mind to conceive that such a code as this could be the result of debate and deliberation in a senate of any sort. Their utter ignorance of every rational principle of legislation is only to be paralleled by the unfeeling cruelty that dictates and prevails through all their resolutions. I shall not weary the House with details or recitals from this book. My hon. friend near me (Mr. W. Smith) has kindly undertaken that task, if the House should be disposed to call for it. I believe it will be sufficient, if I give you a sample of the principles, on which these assemblies have proceeded. You may take it safely for a specimen of the whole. First of all, let the personal injury done to a negro, be ever so atrocious, the assemblies have taken special care to make conviction impossible. Suppose that all the negroes on any plantation should jointly and severally attest that the overseer had "maimed, defaced, mutilated, or cruelly tortured" a negro (the common language of these laws), their evidence would avail nothing. The party would be at liberty to purge himself on his oath; that is, they have established impunity by law for crimes, in many cases worse than murder. They talk of conviction perpetually, and of penalties to be attached to it. To deface, to maim, or to mutilate, if by any means the fact can be proved, is to be punished with imprisonment, not exceeding three months, and a fine of 100*l.* currency, "to be paid into the treasury of the island for the public uses thereof." But in what form, or by what testimony conviction is to be obtained in this or any other instance against a white man, where there is no white evidence, which must generally be the case, is no where specified. White overseers and drivers will not often bear witness against one another. They have a fellow feeling on this subject, or they can easily take care not to act in company. An act passed in Dominica in the year 1788, "for the encouragement, protection, and better government of slaves," I am told, is greatly relied on as a proof of the justice and humanity, which prevail in the islands. This act does certainly admit, that "it is just and proper that the slaves should be protected in their persons from the violence and inhumanity of such white persons and free persons of colour, who may have no lawful authority over them." The admission is important. Observe the date, and then consider what sort and what length of antecedent practice is proved by it. But this act is remedial. I wish it were possible to bring the whole tenor of it into your view. One example will be enough to show you the spirit that runs through it. The 18th clause declares that the inferior crimes of slaves cannot always be conveniently brought before the cognizance of the magistrates, and therefore enacts, "that every slave, who shall disobey orders, or who shall be guilty of neglect of duty, or absence from labour, &c. &c. shall be punished at the discretion of the owner, renter, manager, or overseer, by confinement or flogging on the bare back provided the number of lashes does not exceed thirty-nine." Trial and conviction are avowedly out of the question. But, if the punisher shall inflict any punishment not prescribed by this act,—What then? He "shall be subject to a penalty not exceeding 20*l.* current money of the island to be recovered by bill, plaint, or information, in any of his majesty's courts of record!" Who is to complain? Who is to inform? — Suppose he repeats the thirty-nine lashes, after a short interval. That case is not provided for. Most of these lawgivers seem to think it reasonable that, if any violent injury be done to the person of a negro, compensation should be made for it. By an act of St. Vincent's, past in 1767, it is provided that, if any white person shall castrate or dismember any slave (familiar cases) he

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shall, "upon conviction," and if "the prosecution be commenced in one year after the offence, pay double damages and costs to the party grieved." By the 47th clause, if a slave, in pursuit of a runaway, "shall be only maimed or much hurt, proportionable allowance shall be made by the public." Now who do you understand to be the party aggrieved, to whom some compensation and allowance ought to be made?—The maimed or mutilated negro? No, Sir. In the eye of the law, the owner is the only sufferer. He suffers in his property. He loses the labour of his slave. If he be reimbursed, the justice of the island is satisfied. By a law of the Bahama islands, passed in 1784, it is enacted that any person, who shall apprehend a runaway negro, dead or alive, shall be paid twenty pounds. Then comes the trial of the runaway, before two magistrates and three freeholders, who, on conviction shall order execution, unless it shall appear to them "that such slave has received such cruel usage from his or her owner, as to have been the cause of his or her running away." Observe that the reward is given for taking dead as well as alive; that is, for shooting a slave, who might have been driven to run away by that cruel usage, which, they say, would save him from punishment if he had been taken alive. Redress, compensation, or protection to the negro is never thought of.

In other islands, the proof of innocence, or freedom is always put upon the accused negro. If he cannot prove affirmatively, that he did not commit the fact, or that he is not a slave, conviction follows of course. The laws of Montserrat take special care of provisions. A negro, who steals any, "to the amount value of twelve pence," shall, upon due proof thereof, before the governor and council, "suffer such death as they shall think fit to award! "Again; "If flesh of any sort shall be found in the house of a negro, unless he or she can make it plainly appear they came by it honestly, such negro shall undergo a whipping, and have one of their ears cut off."

I ask pardon of the House for dwelling so long, on such odious examples of deliberate legislative barbarity. It was necessary, in order to show you what sort of legislators you are referred to; into what hands you are to delegate your justice and your mercy, and how fit they are to be trusted. To establish the necessity of a direct recourse to the power of parliament and the injustice of resorting to any other, one general consideration of the subject remains to be stated, and with that I shall conclude. The population of the islands consists of the many, who are black, and of a few who are white. The few legislate for the many, without their consent or knowledge. The negroes, I take it, are not represented in the assemblies, whose authority, however, would not have been disputed, if it had been exercised with any tolerable regard to justice, reason, or humanity. The nature of the case requires that there should be somewhere a compulsory power over both parties. The highest attribute of parliament is to compel the guilty and to protect the innocent. The station and the trust are inseparable. Renounce your office, or perform your duty.

With the assistance of a near relation, whose studies I hope will be successful as long as they are directed by generous principles to honourable ends, a bill for the purposes, which I have submitted to the House, is in some degree of forwardness. I am glad I did not foresee the uncommon difficulties that belong to it, and the extent of the labour I was about to undertake. I fear it would have deterred me from attempting to do any *thing*. Supposing I were at liberty to proceed as I thought fit, my desire would be to have leave to bring in the bill, to read it once, to have it printed, and to let it lie over till the ensuing session. Even they, who might wish to promote the objects of the bill by other means, would find some advantage, I hope, from having it before them. They might take the materials, and make a better use of them. Though I should not have a seat in parliament, I shall be ready to devote my time and my labour to assist any man, who will undertake to prosecute the measure.

With this act I am content to close my parliamentary life. I set out with a fixed principle, and have adhered to it faithfully, without looking to the right or left for advantages. I am not conscious of having pursued any interest at the expense of any duty. I saw my way, and I knew where it would lead me. For profit or preferment I should have taken another course. For honour and happiness I shall not think that I have lived in vain, if, at the period of my existence, I should be able to look back, as I do in this place, to a life of unrewarded service, and to end it

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with an act of benevolence to mankind. I move you, Sir, "That leave be given to bring in a Bill for the better Regulation and Improvement of the State and Condition of the Negro and other Slaves in the Islands, Colonies, or Plantations in the West Indies or America, under the dominion of his majesty, his heirs, or successors."

Mr. Serjeant *Adair* said, that though he concurred in the principles and object of the hon. gentleman, the general plan he had proposed was attended with such insurmountable obstacles as would induce him to give it his decided opposition. He would not, however, like the hon. gentleman, impute improper motives to the conduct of any one, and would give him the credit of being guided by the purest views of humanity and of justice; and were his propositions brought forward in a stage in which they could debate matters of regulation, or were they advanced in a colonial assembly, he should consider them entitled to support. In his mind, nothing but a total abolition could produce that amelioration which it was the object of any partial plan of regulation to obtain. The ingenious arguments that had that night so ably been suggested in pursuance of this idea, convinced him the more that such a plan was attended with difficulties which no talents could surmount. He hoped that the great measure, from which it only could result, would never be abandoned. There were many points upon which he agreed entirely with the hon. gentleman. Property, marriage, freedom from the lash, and regulation of the traffic on the coast of Africa, he considered in themselves as extremely good, but he was afraid they were not to be effected in the way proposed. As to the article of property, he did not well see how it could be realised, without fixing the negroes to the place where the property existed, and thus innovating upon the legal right in slaves which the masters at present possessed. The state of the slaves was so involved with the system which prevailed and the rights arising out of it to the proprietors, that no partial remedy could operate with advantage. With regard to the two others, marriage, and exemption from the whip, he would have heartily concurred in them, had the House been deliberating upon matters of regulation. As to the regulation of the trade on the coast of Africa, he could never assent to any plan of regulation that would seem to indicate a recognition of the principle which had been denounced by the House after the fullest examination Upon the point of propagation, he was induced, from the facts upon the subject, to differ. The state of the slaves had not operated totally to defeat this object. But if all the advantages which should result from this propagation were not enjoyed, what an argument for the total abolition of the trade, and a complete prohibition of any new importation! So long as cultivation was cheaper from continued importation than from care and attention in rearing the children of the negroes, no pains would be taken to make the propagation answer the necessity.—But the principal reason that induced him to give his negative to the motion, was the impolicy of interfering in the internal regulations of the colonies. He did not oppose it as denying the right. It was better to avoid all abstract reasonings on the right of the legislature to form regulations, and to confine it to the immediate necessity of the case. He was unwilling to take up the intermediate points between general admission and negation of the right. As the regulations proposed were to have effect wholly within the colonies, he did not wish to drive them to the situation of the American colonies, and bring into question their separation from this country. It was admitted that the colonies were not represented; and this was a consideration that should attach us more to a complete abolition; for then there would be no need to reconcile the jarring interests of assemblies, or provoke any nice discussions. All that was to be done was to stop the supplies of negroes, and the evils complained of would cease of themselves. It was indeed true, that many of the islands were represented by their proprietors here; but it was not as proprietors of lands in the West Indies, but as inhabitants of this country. As well might it be argued, that because many persons from Ireland resided here, the British parliament might pass an act, disposing of the property of any class of persons in that country. He thought, therefore, that nothing would be so injurious as the apportioning the lands of the West India proprietors, without their consent. As he was convinced that the plan could not be effectual, without a total abolition, and as it was so dangerous in its principle, he would give it his negative.

Mr. *Fox* said:—The case, Sir, which

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we have now before us is unquestionably one of very considerable magnitude. I am still, however, ready, to give a decided opinion upon the subject, and to show the reasons upon which that opinion is formed. Before I enter on the discussion of the question, it is impossible for me not to premise, that whatever may be the result of the motion, the House and the public cannot fail to be gratified with the ability and philanthropy of my hon. friend, and must ever do justice to his humane intentions. As to the object of the motion, it seems to be admitted, that the principles upon which it is supported, are of the most desirable nature. My hon. friend has admitted that the improvements he looks up to, must be of a gradual nature; and he has certainly hit upon the most solid and natural basis on which to build his future superstructure, when he proposes to commence his operations by establishing a system of property among the negroes. Independently, then, of the principles abstractedly considered, the chief questions seem to be; first, how far, in a prudential point of view, it is wise in my hon. friend to bring forward the proposition he has now done, as connected with, and introductory to, the final abolition of the slave trade; and secondly, what are the means by which he intends his principles to be carried into practice?—My hon. and learned friend who spoke last, seemed to consider this as a debate upon the propriety of adopting the proposition now made to the House, or of deciding for a total abolition. How happy should I feel were that actually the case, and with how little hesitation should I prefer a total abolition! I do not conceive that the giving my vote one way or the other this evening, is to be considered as a proof of my receding one step from the ground which I have always taken on the question of the entire abolition of the slave trade. I have pledged myself to the House upon that point. Those hon. gentlemen who have been equally, if not more strenuous than myself in this cause, I presume have no intentions of abandoning it; but sure I am, that no session shall pass, while I have the honour of sitting in this House, without my exertions being employed to accelerate this desirable event. I, for one, am determined not to contribute to the increase or perpetuation of the stigma which must ever be attached to this House and to this country, while that abominable traffic is permitted to exist. If we were at the beginning of a session, and there was any solid hope that an abolition was likely to take place, I would yield to the argument of my hon. and learned friend: but the bill introduced for that purpose has been lost. I know not exactly, if the forms of the House would admit of the introduction of another, for the accomplishment of the same object; or if they did, I see no certainty of better success. When I look forward, I see little rational ground of hope, particularly when I consider the characters and situation of some who were in the minority on the late question. To say, that men of the greatest power and influence in the country, and of unquestionable abilities, could throw little weight into the scale would indeed be ridiculous. What was actually the case? The question was introduced during the administrations and with the approbation of a man, who surely has neither less influence nor less personal talents than any of his predecessors; and yet it has failed. If this be so, when, where, how are we to procure success? The plan, too, was defeated, by a solemn decision of parliament; and, having disgraced themselves in this shameful manner, what right have I to hope that another occasion will soon be presented for the attainment of this desired object? What, then, does my hon. friend propose? That the House will not totally forget all the humane sentiments they have formerly uttered upon the occasion; but that, if not inclined to fulfil all they have promised, they will at least show a desire of doing something.—I now come to consider the nature of the means by which my hon. friend proposes to carry his proposition into execution; and upon this, undoubtedly the whole difficulty rests. The right of taxation and of general legislation have, I conceive, been improperly confounded together. They are, to all intents and purposes, practically different. This difference was constantly acknowledged in the great question of American independence. The Americans never found fault with our legislative acts, until they involved the question of taxation. Lord Chatham, in a speech which he made in this House, and I do honour to his memory for the sentiment, said, that he rejoiced in the resistance made by America, to every attempt to tax her, for the purposes of revenue; and in the very same speech he added (I do not say I go all that length

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with him), that he nevertheless would not permit any matter of commerce to take place, not even a hob-nail to be made in America, without the sanction of the British legislature. I mention this chiefly to show the distinction that has been made between legislative acts of the one kind and the other; but in the American dispute there was a difference taken, not only between acts of general legislation and of taxation, but between acts of taxation for purposes of internal regulation, and acts of taxation for the increase of the revenue. Acts of taxation for the regulation of the post office were quietly acquiesced in. It was only when we offered them the alternative to accept or refuse indiscriminately acts of every description passed by the British senate, that they discovered signs of serious resistance.—With respect to the West Indies, we have already renounced every right of taxation. My learned friend says, we have no right of this kind. So do I. But he says, that he is not ready to admit in what respects legislative acts of any other nature may be passed, and he has brought forward the case of Ireland as in point upon this question. The act passed fourteen years ago put that matter right as to Ireland. In no instance could the difference between acts of legislation and taxation be more clearly ascertained I from this source drew my arguments during the American war. In every case either of external or internal regulation, the Irish were perfectly submissive: but if the bare intention of raising a tax for the purpose of revenue had gone abroad, it would inevitably have produced resistance. I must confess, at the same time, that to legislate for colonies, is at no time desirable; it ought only to be done when necessity calls for it. How far is this the case at present? I do not wish, upon this occasion, to repeat the mere letter of the law. My learned friend, and every other professional man, would certainly tell me, that a statute that relates to any transaction as passing in Jamaica, would be as binding as if it took place in Middlesex; but I am not fond of unnecessarily exercising this legislative authority over persons not actually represented, and where the local situation is almost totally unknown. But we are at present reduced to an unfortunate dilemma, and I am obliged to put this question to myself, "Whether is it better to make use of a partial remedy which may in some respects be exceptionable, or to permit the evil in its full extent to continue?" I have been accused of throwing out the threat of independence upon the subject of the West India islands. In answer to that, I most decidedly affirm, that if it were to become a question, whether these islands should be connected with this country, and in consequence of that connexion, all the stigma attending the abominable system of slavery should be ignominiously continued, or that their complete independence should take place. I should not have one doubt on the subject. I am by no means blind to the danger of such a separation. I desire it not: but if the colonies were inclined to refuse their assent to so wise and humane a proposition as has now been made for the amelioration of the state of the slaves, I should not feel myself inclined to employ either armies or navies to reduce them to subjection, but would, in the language of a gentleman, who, though not present, I cannot name, as being a member of this House, desire them to "go and be happy in their own way," if happiness could be found by acting contrary to every principle of justice, policy, and humanity. If, however, it be acknowledged that the British parliament has the power of general legislation, and that it may in some cases of necessity be exercised, I ask, what case of greater necessity can be put, than a case which involves the character and honour of the British name? I have occasionally said, that a war to preserve our honour is the only justifiable war. Even this principle, were it necessary, I should not find myself at a loss to support; but if in any case a legislative act is demanded for the purposes of interest, policy, aggrandisement, or the increase of commerce, are any such objects to be compared with that of removing the national dishonour, which must ever be connected with the continuance of this trade? I shall for these reasons unquestionably vote for the introduction of this bill. Were any person to give me a reasonable ground to hope that an abolition of the slave trade would speedily take place; were it held out to me that any other step would be taken towards an amelioration of the state of the slaves in the West Indies; were I to be told that a recommendation should come from the throne to effect the desirable purpose, I might perhaps be silent upon this occasion. But let me

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no longer hear of expectations from the acts of colonial assemblies. When I look at the infernal code of laws, under which the poor negroes languish; when I see they are not considered as men, and reflect one moment upon the penalties to which they are subjected, and the oppression under which they labour, I expect nothing from assemblies who give countenance to such proceedings.—It was urged as an argument by my learned friend, that the question of abolition to which he so heartily gives his assent, by no means involves the dispute on the rights of legislation, but that every provision in that bill comes within the acknowledged authority of this House; but permit me to say, that the opposers of that bill constantly held out as an argument of some weight, the opinion which those immediately upon the spot in the West Indies, or immediately connected with them, might entertain upon the subject. This, therefore, is no fair ground for opposing the motion. As to the question of representation, the West Indies are not, properly speaking, represented in this House, nor is it practicable, perhaps, that they should be so; neither is Ireland; neither was America. As to their representation in the West Indies, it might be called a pure representation of property, in consequence of the number of blacks. But we ought, in this case, to consider the difference between a real and a virtual representation, and the proportion which, in this respect, the West Indies bear to any other instance known in this country. Were we even to bring to our recollection the time when so many Irish landholders resided in this country and held seats in this House, and when so much land in Ireland was under mortgage in this country yet would that bear no proportion to the power and influence of West India proprietors at the present moment. A country may, undoubtedly, be virtually represented. I do not say it is in every instance the best mode; but standing where I now do, I must acknowledge the fact; and, surely, if any country was ever virtually represented, it is the West Indies in this House. Does not every gentleman who hears me, feel, from the fate of the bill for the abolition of the slave trade, that they are both virtually and powerfully represented in this House? In short, Sir, no case can appear to me to call in a more pressing manner upon the legislative authority of the British parliament than the present, unless we consider as nugatory all we have ever heard, either from those who promote or oppose the abolition of the slave trade. Good God! Mr. Speaker, if we have come to a solemn decision upon the subject, and yet pass year after year, without taking a single measure to carry our resolutions into execution, are we not guilty of hypocrisy of the basest sort? I am constrained to vote for any measure of the kind proposed, in order to prove that there is yet some sincerity left in the House of Commons.—I hoped, Sir, that my learned friend, with the anxiety he expresses for a total abolition, would have thrown out some prospect of such an event being likely to take place; but I am sorry to say, I see none such at the present period. After what took place in 1792, and the subsequent flagrant breach of promise that has been exhibited, all assurances coming from this House must be looked upon as vain and frivolous. At the same time, I confess I even now think it would be something, were the House, during the present session to come to some solemn resolution on the subject. I have already said, that a vote on this question must necessarily be given with some degree of difficulty; but I give mine clearly and conscientiously, because such a measure, with all the obstacles attending it, is less objectionable, and less contrary to humanity and justice, than doing nothing to alleviate those miseries which are at this moment attached to slavery in the West Indies. Were an entire abolition of the trade now to be proposed at any fixed period, I should probably object to any regulations of an inferior nature; but the question of abolition is lost, and I have no option left. It is, indeed, come to this, that the British parliament have refused to abolish the abominable traffic in human flesh, and the slaves in the islands are to be left to the humanity of the West India proprietors! If it were clear that the colonial assemblies would pass those acts which humanity demands, or that an abolition of the trade would be effected by parliament, there would be no occasion for any such measure as the present; but as no such thing is likely to take place, I find myself under the necessity of voting for the motion of my hon. friend.

Sir *W. Young* affirmed, that negroes were happier in general and more comfortable than the poor people of this

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country. They were already allowed a piece of ground, which they cultivated as their own property. He was surprised that the hon. gentleman talked so lightly of giving to each negro as much land as would here be a qualification to vote. Had the propositions of the hon. gentleman gone to effect any local remedies by an address to the throne, in order to be recommended to the colonial assemblies, he would have heartily concurred therein. Slaves had served in the war from real attachment to their masters, and not from the motives ascribed by the hon. gentleman. He was surprised that the House could hearken to propositions that went to interfere with the internal legislation of the islands by taxing the landed property of the proprietors, and by giving the negroes their ground.

Mr. *Pitt* said, that what had fallen from the hon. baronet was a subject of some consolation. He contemplated with satisfaction that these unfortunate people had experienced some benefit from the discussions which had taken place on the subject: but there was still much to be done, and that could be only accomplished by a total abolition. The system was fundamentally wrong, and no amelioration of the condition of the slaves in the West Indies, could remove his objection to that system; but he had sanguine hopes that parliament would complete what it had so laudably begun. As the planters became more enlightened, they would find it their interest to soften the condition of the slaves, and he hoped that the spontaneous efforts of the planters would induce them to ameliorate their situations, exclusive of what had been imposed upon them by the executive government of the country. The total abolition of the traffic in those unfortunate people, he concluded was the only act to be expected from the British House of Commons, and without this no local act of legislation would be of any material avail. As long as new negroes were poured into the islands, every plan adopted must prove inadequate to the end proposed. No man would deny that many of the principles laid down by the hon. member, were founded in justice and humanity: it was laudable to instil into their minds morality; but all instruction was fruitless, as long as new negroes were imported into the colonies. He was clearly against passing any law for taxation in a British parliament, that would have in its operation a local application to every estate in the West India colonies. He cautioned the House against stirring a question of such a delicate nature; it would only excite a spirit of jealousy, and defeat its own object. The House had relinquished the power of making any alteration with respect to the property of the negroes; it had given out of its hand the power of taxation in the colonies; therefore, if the stirring of any question was more dangerous than another, it was that to which he now adverted. If parliament reserved its undoubted right to regulate every measure that relates to trade, it retained the power of abolishing the slave trade. Why, then, not adopt the measure at once, without involving it in innumerable difficulties by attempting to interfere with the local legislation of the colonies? In this view of the question, he felt himself bound to give his negative to the present motion.

Mr. *Windham* said, he was convinced that all parties sincerely wished to ameliorate the condition of the slaves in the West Indies. Every plan that went to that effect should always meet with his concurrence. He acknowledged that he was in possession of Mr. Burke's plan, and highly approved of it; as a part, therefore, of that plan, he would certainly support the present motion. If they were to proceed in this way, he did not think there would be any determined opposition from the planters; if there was, it would arise principally from a question that had been touched upon relative to the power of this country to legislate in all matters for her colonies,—a question which ought not to be agitated at all, except in cases of absolute necessity, and then only as far as the immediate exigency of the case required. He wished those who were so cautious of venturing on that discussion now, had been as much so upon other parts of the question, particularly the total abolition. He had sanguine hopes that much in the way of amelioration would be affected by the colonies themselves; and he did not despair, but by their exertions, and such plans as that now proposed, the slave trade would be abolished without any danger; and from this idea it was, that he preferred the present and similar regulations, even to an immediate abolition. He could never agree with those who said they would would have no compromise on the subject.

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What had they been doing, ever since the question was first agitated, but compromising in some way or other? In consequence of the regulations that had been made, much amelioration had taken place, and that gradual system was, in his mind, the best and most certain way of finally effecting an abolition. From what they had already seen, it was fair to conclude that slavery would be abolished by the West Indians themselves, and equally so to believe, that in the same proportion as it was discontinued by them, the barbarism of the Africans would be diminished.

Mr. *Este* objected to the plan proposed, as tending to the rapid separation of the colonies from this country. A distinction had been attempted to be made between taxation and legislation, but in this question they could not be separated. The agitation of the question of legislating for the colonies was dangerous in the extreme. It would, in fact, be drawing the sword against the colonies, to attempt, by an act of the British legislature, to tax the islands.

Mr. *W. Smith* agreed with those who were for a total and immediate abolition; at the same time whilst that could not be obtained, every measure that tended to ameliorate the condition of the slaves should have his support. He thought it necessary to say something on the argument, that much might be expected from colonial legislation; to call the attention of the House to the laws of those islands; and then ask them what they had to expect in fairness from such legislators? For this purpose it became necessary for him to read the laws of the different islands for the management of their negroes. Mr. Smith then read those of the latest date in each island, and commented on their absurdity, cruelty, and injustice.

Mr. Secretary *Dundas* said, he did not intend to enter into the general question of the abolition of the slave trade. With regard to the question itself, he would repeat what he had stated before, that unless we had the concurrence of the colonies themselves, all that we could do in the way of internal regulation was not worth a straw. The hon. gentleman had opened his speech by desiring the House not to anticipate any of his conclusions, and, if he was rightly informed, had been so cautious as to conceal his intentions by this motion, from his own confidential friends. This caution had at least secured him a patient hearing; for if he had told them, that his proposition went to the subversion of all colonial laws, property and rights could be productive of no one good purpose, and tended to produce an immediate and dangerous quarrel between this country and her colonies, he certainly would not have been suffered to bring forward any such proposition.—He agreed in the general opinion, that the question of right to legislate ought not to be agitated, except in cases of necessity; and he would venture to say, that the bill, if passed into alaw, could produce no good, but would be extremely dangerous in its consequences, by opposing to the complaints already made in our colonies a question of doubtful legislation. He should therefore give the motion his decided negative.

Mr. *Manning* contended, that the regulations adopted by the colonial assembly of Jamaica in 1792, which were most advantageously framed for the happiness of the negroes, were, in themselves, sufficient to prevent any necessity for the measure proposed. If the hon. mover referred to that act, he would find that the greatest attention had been given to the rearing of children.

Mr. *Francis*, in reply, observed, that if the declarations which had been so frequently and so strongly made by those who opposed his plan, had been attended to by themselves, he should not that night have brought forward his motion. He apprehended, both from the result of a former debate, and the probable event of the present, that nothing effectual would be adopted for the relief of the men whose miserable situation was submitted to the judgment of the House. It had been urged, that the bill which he proposed to introduce went to renounce the right of taxing the colonies; but he positively denied that it could bear such a construction. He would not press a division on his motion, but hoped that gentlemen would come forward themselves, and propose measures to alleviate the distresses of the slaves.

The motion was then negatived.

Mr. Abbot's Motion for a Committee to inspect Temporary Expiring Laws.] April 12. Mr. *Abbot* rose and said:—In consequence of the notice which I had the honour to give yesterday, I shall now beg leave to mention a subject which appears to me of very considerable importance;

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stating at the same time, that the measures (which according to my conception) ought to be taken at present, will not be attended with any great difficulty, nor liable (as I should hope) to any objection whatever. The subject, Sir, is the general state of all our laws which are of a temporary nature. Gentlemen are aware that a partial inquiry into this matter is annually intrusted to committees appointed for that purpose; and the committee of the present year have pursued their ordinary labours, according to the customary course of its duty, and according to the limited nature of their authority. But, Sir, upon revolving this matter in my own mind, and searching into the usage of parliament in former times, and conferring with several persons whose peculiar stations, pursuits, and habits of life render them more immediately conversant with subjects of this sort, it does appear to me, that we owe it to ourselves and to the public, to extend the scale of our inquiries, and to enter upon a larger field of investigation: not merely confined in the ordinary way to the consideration merely of such expiring and expired laws as are immediately, and at present fit to be revised or continued; but comprehending a view of all the temporary laws whatever, and providing ourselves with a permanent register of their contents.—With regard to the expiring laws, the absolute necessity of it is obvious. Mischiefs may happen (and such mischiefs have happened heretofore) by the undesigned expiration of a law which ought to be continued, or by the supposed continuance of a law which has in fact expired, a circumstance which may very possibly escape notice where any such laws have originated at any remote period of time, and now lie buried in the multiplicity of our statutes. If, in the execution of criminal justice, any one such instance of mistake should occur (as in other times has actually occurred in civil cases) every man would shudder at an event which might be irretrievably fatal. A register, therefore, of these laws, with their duration accurately noted, and always present to the attention of parliament, would effectually prevent such a calamity.—The knowledge of our expired laws, if not of equal urgency, is perhaps not of less importance. To have a ready view of all the experimental legislation of former ages, in regard to such matters as the course of time or probable chances of public affairs may force upon our considerations must certainly be desirable. It would enable us to profit readily by the experience of our ancestors; and either to preserve a consistent policy by re-enacting similar laws under like circumstances, or to improve upon the given precedents of former ages; and at all events not to depart from them unadvisedly, whenever such a departure might be judged prudent and politic. A digested report of this class of laws would accomplish all these important ends.—If, Sir, the House should be disposed to adopt the motion which I shall now submit to their consideration, I can venture to assure them, that although the investigation may require some length of labour, and although the details may be in some degree operose, nevertheless the result of it may be expected within no great compass of time. And I cannot but hope that there may possibly be derived from this inquiry some useful information upon the general condition of our statute laws; if the House should be farther inclined to authorize the committee to report such observations as may arise out of the matters referred to their consideration. The motion which I shall now move is, "That a Committee be appointed to inspect and consider all the Temporary Laws whatever of a public nature, which are expired, or expiring; and to report to the House, a statement of all such expired laws, as shall appear to them to have been made upon occasions, whereof the like may recur hereafter; and also a statement of all the expiring laws of a public nature: describing each statute by its principal matter, date, chapter, section, and title; and distinguishing the duration of such as are expiring; together with the observations of the said committee arising out of the several matters referred to them."

The motion was agreed to, and a Committee appointed. On the 12th of May, Mr. Abbot presented to the House the Report from the said Committee; a copy of which will be found in the Commons Journals, Vol. 51, p. 702.

Debate in the Commons on the Dog Tax.] April 5. The House having resolved itself into a Committee on the Leicestershire Petition for a Tax on Dogs,

Mr. *Dent* intreated the indulgence of the committee, while he stated the grounds of his motion. A tax upon dogs, he said, was not only much desired, but

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was become absolutely necessary. Perhaps this was the first instance, in which the people demanded an addition to their burthens. It was the chief object of the motion, to promote the relief and benefit of the poor. If carried into effect, it would lessen the poor-rates, render provisions more cheap and plentiful, diminish the instances of hydrophobia, and at the same time open a considerable source of revenue. The diminution of the consumption of flour, oatmeal, and those broken victuals which came from the tables of the affluent, and which at present, were consumed by dogs, would contribute greatly to alleviate the distresses of the poor. An increase of population was always the effect of plenty of provisions; and upon this principle, the application of that quantity of food which was at present consumed by dogs, to the use of the poor, would tend to augment the population of the country. The number of dogs had lately increased so much, that it afforded matter of serious alarm. He calculated the population of the country to be ten millions, and these might compose two millions of families. Allowing a dog to each family, the number of dogs would amount to two millions; but supposing them to be diminished one half in consequence of the tax, there would still remain one million. Upon these he would propose to levy a tax of 2*s.* 6*d.* a head, indiscriminately, except those which serve as guides to blind men. This would produce a revenue of 125,000*l.* —Mr. Dent proceeded to state from documents in his possession, the ravages which were committed by dogs, the quantity of provisions consumed by them, and the increase of hydrophobia. He first mentioned a recent pamphlet by Dr. Barry, upon the subject, which contained many unanswerable arguments in favour of the tax: next a number of letters, which he had received, to show that a tax on dogs was desirable on account of their destruction of cattle; and last their great consumption of provisions. From the Manchester Philosophical Transactions, it appeared, that 15,000 sheep were annually destroyed by dogs. He thought this number much under-rated, and that it amounted nearer to 50,000. He had a letter, informing him, that in a forest in Devonshire, one dog had wounded 400 sheep, and his correspondent added, that 200 men, with as many dogs, had gone in search of this destructive animal, but had not been able to find him. Another dog had been seen killing two sheep, which having done, he went and washed himself in a pond, so that there were no marks of blood upon him. The fact was told to his master, who agreed to hang him up for a few minutes by the hind legs, in order to put his guilt or innocence to the test, and from the quantity of blood which he vomited, he was declared guilty. He wished the chancellor of the exchequer to pay particular attention to these facts, as a certain dog had been found killing sheep in the neighbourhood of Holwood in Kent, with "The right hon. ———" (he left the House to fill up the blank) upon the collar, and the dog was spared on account of his master.—Hydrophobia had lately increased to a shocking degree. In one week, in the course of last year, no fewer than 55 persons, infected with this distemper, had applied to the Manchester Infirmary. So far he called on the humanity of the House to adopt his motion, and he trusted they would be the more inclined to do it, when he informed them that allowing a penny per day for the food of one million of dogs, it amounted annually to 3,000,000*l.*, which was 700,000*l.* more than all the rates for the aged poor of the country, and yet no dog, he thought, could be kept for less than a penny per day. By a letter from a gentleman at Kingston-upon-Thames, he learned that sheeps heads, sheeps hearts and plucks, &c. were bought up as offal to feed dogs, although the poor were glad to purchase such provisions, and from his inquiries at twenty different markets, he learned that in London people did the same. One gentleman he had heard of, who contracted with his mealman to supply his kennel with wheat and flour, oats, and meal, at 800*l.* per annum. He himself knew a gentleman who expended 400*l.* per annum on the same articles for his dogs. A pack of fox-hounds could not be kept for less than from 1,000*l.* to 2,000*l.* per year, and it was an absolute fact, that after a long chase, a gentleman rode into a country town with his fox-hounds clamouring with hunger, and every baker's shop in the town was ransacked for bread to satisfy them. Under all these circumstances, therefore, he hoped that the resolutions he meant to propose would not be rejected. He then moved, "That a tax of 2*s.* 6*d.* per annum be imposed on Dogs of every description.

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Mr. *Pitt* did not think there was any thing improper in laying some tax on dogs; but the committee would feel it necessary to draw a line of distinction. It was clear that the poor should not keep a great number of dogs; there were many indigent persons, nevertheless, to whom dogs were useful. Such persons ought to be distinguished from the opulent; otherwise the tax would be a harsh one. He should therefore propose, by way of amendment, that instead of a duty of 2*s.* 6*d.*, there be a duty of 3*s.* on each dog, meaning afterwards to propose in a committee on the bill, that all persons who do not pay assessed taxes, shall be charged only the duty of 1*s.* for each dog.

Mr. *Buxton* thought the proposed tax a good one, but considering it rather a regulation of police than any thing else, he saw no reason why the dogs kept by the poor should be distinguished from others. If a poor man kept a dog, and received relief from the parish, the parish supported his dog as well as himself.

Mr. *Wilberforce* thought the humanity proposed to be extended to the poor was, in this case, misapplied. The true spirit of the tax was not to take from the purse of the poor, but to prevent those who were not perfectly able to bear the waste and expense, from keeping dogs. He was persuaded, that, though the hydrophobia did not so often as was generally supposed, proceed from the bite of mad dogs, yet it was so often the case, that every thing should be done that had a tendency to abridge the excessive number of those animals. By doing this, humanity would be best shown to the poor; for experience had proved, that the sufferings from canine madness were almost exclusively confined to the poor. The higher orders very seldom suffered in that way.

Mr. *Lechmere* had long thought that a measure of this sort was wanted. He trusted it would be of service to the public at large, and particularly to the poor at this time of scarcity. Gentlemen who kept a pack of fox hounds, ought to be compelled to pay high for them. He thought that all dogs used for pleasure should be subject to the tax; and that ladies lap-dogs should be taxed the highest. It was shameful to see an athletic fellow, in a gaudy livery with a couple of lap-dogs under his arms, walking after a lady through the Parks for a whole morning.

Sir *G. P. Turner* said, if ever a tax was popular, this he believed would be so; and he felt great satisfaction that he had been among those who first suggested it. He mentioned several instances to show that dogs, multiplied as they now were, were a great nuisance.

The amended motion was agreed to; and on the 15th, a bill pursuant thereto was brought in and read a first time.

April 25. Mr. Dent moved the order of the day for going into a committee on this Bill. The question being put, "That the Speaker do now leave the chair,"

Mr. *Sheridan* said, he had never seen a bill so absurd and objectionable throughout; and indeed he was not sorry that it was so: it appeared to him a just punishment for the pride and presumption of those who, because they had a seat in that House, imagine themselves to be so many chancellors of the exchequer, and impatiently stepped forward to propose new taxes. He knew not whether the hon. mover was stimulated upon Pythagorean principles, to pursue at present those resentments or antipathies which he might have conceived in some former state of existence against a race of animals so long distinguished as the friends and favourites of men; he would undertake however to show, that the present bill was not admissible, in any of its provisions. In regard to the bill itself, he never met with one more extraordinarily worded. The folly of it extended even to the title; the title should have been a tax bill, it was nevertheless entitled "A bill for the better protection of the persons and property of his majesty's subjects against the evil arising from the increase of dogs, by subjecting the keeping or having such dogs, to a duty." Hence, instead of supposing, as it generally had been supposed, that dogs were better than watchmen for the protection of property, people might be led to imagine, that dogs were guilty of half the burglaries usually committed. In the preamble there was the same singular species of phraseology: it began by stating that "Whereas great and serious dangers, injuries and inconveniencies,"—[He begged the House would admire the beauty of that climax]—"and more especially the calamities of canine madness, of late alarmingly increasing, frequently happen to the persons of his majesty's subjects, and to their cattle and other property." It certainly was by no means extraordinary

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that a man's cattle should be injured by the bite of a mad dog, but he could not conceive what was meant by other property, as he had never before heard that property could be affected with the hydrophobia. In The Adventurer, a periodical paper by Dr. Hawkesworth, he remembered, indeed, a sort of humorous account of a dog that bit a hog in the streets; the hog bit a farmer, and the farmer bit a cow; and, what was most extraordinary, each conveyed his peculiar quality to the other; the hog barked like a dog, the farmer grunted like a hog, and the cow did the best she could to talk like the farmer. He should have imagined that there must have been something like this disposition in inanimate things also, by the hon. gentleman's looking so very carefully after property; for, unless an instance had occurred of furniture behaving in a disorderly manner, or a dumb waiter barking with the hydrophobia, he conceived such a phrase could not be properly introduced.— The way in which the bill proposed to enforce its provisions was most inhuman. He particularly adverted to the clause in which it was proposed "That no person or persons shall be liable to any action, for killing, destroying, or converting to his own use, any dog for which the owner shall not have paid the duty." If this clause were to remain, and any person did destroy or convert another person's dog, he would most probably assume that it was not paid for. So far the bill was repugnant to the principles of humanity; for it was nothing less than a death-warrant against that valuable race of animals. Besides, he wanted to know what principle the bill proceeded upon, that the same privilege should not be also allowed with respect to horses, since there was a certain species of dogs, such as pointers, setters, &c. that were scarcely less valuable. According to the same mode of reasoning too, he did not see why there should not be a general scramble for all the hats upon the heads of those gentlemen who did not pay the hat duty; nor why any person should not convert the powder, another man wore, to his own use, if he suspected that man had not taken out a licence. It was true, that after any person had lost his dog in this manner, a clause was provided, whereby he might bring an action, and maintain a right to recover damages from the converter; but how would it happen, if the dog, still fond of his former attachments, should follow his old master? That master might, in such a case, be whipped as a dog stealer, though he should afterwards gain an action to prove the prosecutor the thief. The deprivation in this instance was not all: by the general slaughter which the tax would occasion, they were liable to convert into ferocity that mild and humane character which had hitherto been the just boast of Englishmen. Were the national manners likely to be improved by a system which tended to familiarise the rising generation to the spectacle of seeing those animals slaughtered or hanging at their doors, which they had been accustomed to consider as their friends and play-fellows? The charge of ingratitude would also lay against them for such a decree of massacre against these useful animals, at the very time when they acknowledged them as allies of the combined powers, and when their brethren formed a part of that combined army in Jamaica, which was fighting successfully against the Maroons, and supporting the cause of social order, humanity, and religion.— He came at last to the qualifying clause, which was intended to enact, that puppies, when born, should not be liable to the penalty. He wished to know at what time they were to be made liable, and by what parish register they were to ascertain the birth of puppies. A doctrine had been inculcated that dogs devoured the sustenance of the poor; and therefore we were to be placed in the state of a besieged garrison, and feed upon the fare of dogs and cats. The bill in this instance tended to defeat its own object; for could it be supposed that the poor, at this moment of dearth and scarcity, could afford to divide their scanty meals with such animals? And if they did, what was the conclusion, but that they would rather deprive themselves of some of the necessaries of life, than lose their faithful companions. If the tax were levied only upon hounds and sporting dogs, he should oppose it, because it would tend to the diminution of the few pleasures which induced gentlemen to spend their fortunes on their own estates.

Mr. *Windham* said, he did not mean to object to the whole of the bill, but to part of it only. He thought a tax upon all sporting dogs fair, because they were a kind of luxury, and their owners could afford to pay. There appeared, however, a passion, a spleen, an enmity against the canine race in the formation of this bill,

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that amounted really to a principle of extermination. From the tenor of it he should have been apt to imagine that Actæon had revived, or that some fabulous divinities had descended to pronounce an eternal ban and curse on the whole race of dogs. They certainly at times were disagreeable, and he had felt that inconvenience; but he should have been loth to have avenged himself upon the whole species, in consequence of a little temporary inconvenience. It was unworthy of this or any country to levy a rate on any animal, because that animal was not employed in tilling ground, or because the poor might feed on dog's provisions. The conclusion that naturally resulted from the general tenor of the bill, and the arguments that had been urged in support of it, warranted the idea, that there was not room enough on earth for men and dogs. The hon. mover had entered into various calculations, to show the number of dogs, and the quantity of provisions they consumed; but he seemed to have forgotten that there was a great body of waste which they destroyed, and which, if they were annihilated, would become a greater nuisance. He seemed to imagine, that all the refuse now given to dogs, would go to human creatures. No such thing; dogs consumed a great quantity of offal, which could not well be otherwise disposed of, and consequently his calculation on the score of provisions consumed was exceedingly erroneous. He had also excited an alarm upon this head, by observing that population increased with provision. It undoubtedly did; but not if there was a greater quantity of provisions than the consumers required. How much of the produce of the earth went to other purposes than the food of man! Did not the hon. gentleman himself give to his coach-horses and his saddle-horses, what would serve for human food? But when the sustenance of men was considered, their comforts and well-being must also be considered; if they were not, society would revert to rudeness and barbarism.—With regard to that part of the bill which related to the dogs of the poor, his objections were too numerous to repeat. Some dogs were retained by the poor as implements of trade, and the legislature ought not to tax the industry, but the expenditure of the people. Some were retained for their companionable qualities, which did credit to both parties, and when the fidelity and winning attachment of a dog was remembered, it was unkind to propose any plan which should tend to destroy him. Dogs kept for sporting were peculiar to the rich; and though he did not mean to arraign sporting, he thought it not the highest sort of amusement, inasmuch as it reduced the hunter to the condition of the animal he hunted. With the rich it might be taxed; but with the poor the affection for a dog was so natural, that in poetry and painting it had been constantly recorded, and in any sort of domestic representation, we scarcely see a picture without a memorial of this attachment. If the rich man feels a partiality for a dog, what must a poor man do, who has so few amusements? He would be destitute without one. A dog was the companion of his laborious hours, and when he was bereft of his wife and children it filled up the dreary vacuity. It was a well-known fact that Alexander Selkirk, upon whose narrative the story of Robinson Crusoe was founded, sought the society of every animal upon the desart island, except those which he was obliged to kill for food. That was his greatest satisfaction; and a dog afforded a similar satisfaction to the poor. Would the House, then, sacrifice that honest, that virtuous satisfaction? An hon. gentleman had disapproved of any difference between the poor and rich, because he wished for equality, forgetting that equal burthens were laid upon unequal means, and that they ought to be proportioned in the same manner as rewards and punishments. But although he wished the tax to be levied upon sporting dogs, he was a friend to the game laws, and to aristocratical distinctions; and he thought all the arguments that had been urged against the game laws were recommendations in their favour, provided they were not oppressive. He did not think that poor men kept dogs for the destruction of game, and he lived in a game county where he was qualified to judge; besides, if a poacher wanted a dog for that purpose, he could afford to pay for it; so that extending the tax to the poor, would be no protection to the game. As to the worrying of sheep, the dogs commonly kept by poor people were too small; for the dogs that worried sheep were pointers, hounds, lurchers, guard-dogs, &c. and whenever they were once guilty of that vice, they would never leave it off until they were destroyed; but, dead or alive,

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they haunted the animal, and had been known to tear the skins in tanners yards.—He felt in perfect conformity with his hon. friend, when he did not wish to leave any assessment on the poor; for if people, so poor and distressed as some were who kept dogs, would deprive themselves of part of their food to keep a dog, that was the best proof of the value of the animal, and he knew if they were assessed, how likely they would be to be taken up by the parish officers. An hon. friend had said, that no person who receives relief from the parish, ought to be allowed to keep a dog. He differed from him in opinion, because the whole class of labourers were so liable to apply for relief, on account of the unequal balance of their earnings and expenditure, that every accident or calamity subjected them to it. It would be cruel and impolitic to pass such a law; it was a sort of law every man would revolt from. The dog was a companion to a solitary man, and to a man with a family a playfellow for his children; and these considerations induced him to wish that satisfaction to be preserved to the poor. He could not think of sacrificing any man's feelings to the consideration of interest held out by this tax.

Mr. *Penton* said, he objected to the general principle of the bill. The most beggarly nation would not adopt a measure calculated to exterminate the canine race. Even in Turkey, where dogs were considered as unclean beasts, they were treated with some degree of kindness. In some parts of Germany, dogs were taxed according to their size—a regulation which, if it were to take place in this kingdom, would subject him to a severe impost, as he once weighed one of his dogs against a nobleman in the other House, when the dog outweighed the peer by a pound. The hanging of dogs would familiarize the people to barbarity. The circumstance of a park-keeper once killing a favourite spaniel belonging to him when he was a boy, and cutting the animal's head off afterwards with a hatchet, had made an impression on his mind that never would be erased. Had he had the hatchet in his hand, and had the park-keeper been in his power, at that time, he could not say what might have been the consequence. How, then, could the House say, that the poor man placed in a similar situation would not be actuated by similar feelings? The bill appeared to him to be so exceptionable, that he recommended it to be withdrawn.

Mr. *Dent* was satisfied that by the conduct he had followed, he had done his duty. It was said, that every man set up to be his own chancellor of the exchequer; and it appeared to him, that every man set up to be his own buffon. It was said, that a dog was a harmless playfellow to the children of the cottager, but he had received a letter which showed what kind of playfellow it was. The letter stated that a person who had seven children, with whom his dog had been used to play, was bit by this dog, and also four of his children, in consequence of which they had died of the hydrophobia. At Manchester 33 persons, within a twelvemonth, had been admitted into the infirmary, affected with this desperate malady; and at Southampton, 2 or 300 persons had been bit. Dogs consumed a great deal of the food which might be useful to alleviate the wants of the poor. Sheep's heads could not be obtained by the poor, as they were all bought up for the use of dogs. He could never agree to any distinction in the sums to be imposed upon the rich and the poor. Such inequality he considered as operating as a land-tax. The object of the bill was regulation, not revenue, and to remedy the dreadful miseries arising from hydrophobia. The expense of a dog amounted to a penny a day, and upon his calculation of the number, more money was consumed on dogs, than the whole produce of the poor rates.

Mr. *Courtenay* said, he had listened attentively to the new chancellor of the exchequer, who had just discovered that a dog cost a penny a day, whether he eat little or much, or whether he eat nothing. On what ground the hon. gentleman had founded this extraordinary calculation, he could not imagine. The hon. gentleman had fixed his *dentes canini* on all who opposed his favourite bill: his *dentes sapientiæ* were probably not yet grown. He had said, that every man was become his own buffoon; but if the hon. gentleman meant to assume that character, it must be in the other House, where he might be witty by proxy; perhaps he might prevail on his friend, the chancellor of the exchequer, to transfer him there. The hon. gentleman dreaded the direful effects of canine madness. To alleviate that horror, he begged leave to suggest the great utility which sometimes

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resulted from a state of insanity. According to a celebrated poet

"Great wit to madness sure is near ally'd
And thin partitions do their walls divide."

Now, if the hon. gentleman had been luckily bit by a mad dog, he might, incidentally, have displayed some symptoms of wit. He could assure the hon. gentleman, this mode of becoming a wit, was not so chimerical as it might at first appear. The late lord Chesterfield had laid it down as a maxim, that, the only possible process by which a Dutchman could become a wit, was by being bit by a mad dog: and so ambitious was a late Burgo-master at Amsterdam, of being distinguished by this shining accomplishment, that he had submitted to the operation. Here, then, was encouragement for the hon. gentleman. The hon. gentleman had stated his receiving letters from several shepherds, thanking him for introducing the tax on dogs; and lamenting their losses in most plaintive and pathetic strains. They had addressed him poetically; "The dogs, my sweet swain, do our fleecy sheep kill;" to which the hon. gentleman might reply—"I am ready to cry, both for them, and my bill." The hon. gentleman had invidiously asserted that a dog consumed as much as would maintain a child. Surely he did not recollect that the people of this country read the scriptures in which it was enjoined, "Not to throw the children's meat to the dogs." None but Jacobins would disregard this holy precept. It had been asserted, that 2 or 300 persons had been bitten at Southampton; but where was the proof of this? It was customary, especially since this bill had been in agitation, to report, that every species of insanity, from a strait-waistcoat phrenzy, to a fit of the vapours, were occasioned by the bite of a dog. He was convinced that not one case out of fifty, said to be attended with strong symptoms of the hydrophobia, was actually founded on fact. England had always been celebrated for her breed of dogs: the persevering courage of her natives was exemplified in the bull-dog: her hounds and hunters were renowned in all quarters of the globe. He was not an enemy to the principle of the bill; but if cottager's dogs were not exempted from the tax, it would be a signal for a general massacre of the species. Was the hon. gentleman actuated by interest or ambition? Was any place to be struck out to reward this finance minister? Would the old chancellor of the exchequer constitute his coadjutor governor of the Isle of Dogs? The caresses, the playfulness, and the fidelity of dogs endeared them to us. To accustom the people to look with hard-hearted indifference on the murder of these faithful animals, would debase their moral feelings. It was a fact, that dogs destroyed weazles, rats, pole-cats, &c.; and he verily believed the foxes that were so anxiously preserved, did more mischief than the whole persecuted race. Dogs had always been the friends of man. They were celebrated in the writings of every poet; and in the Scriptures too, for they must all have read of Tobit's dog. In short, he hoped the hon. gentleman would agree to withdraw the bill.

Mr. *Pitt*, though clearly of opinion that dogs were a fit object of taxation, concurred in the objections made to this bill; as he was by no means reconciled to the idea of indiscriminate taxation. To the plan of making it a parochial tax, his objections were insuperable. He thought a tax on the dogs of the opulent a good one, and meant on a future day to propose, that on assessed houses there should be a tax of 3*s.* for the first, and 5*s.* on every other dog.

The question, "That the Speaker do now leave the chair," was negatived; after which it was resolved, that the House will upon this day three months, resolve itself into the said Committee.

Debate in the Commons on the Expulsion of Colonel Cawthorne.] April 4. On the motion of general Smith, it was resolved, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, a Copy of the Proceedings of the Court-Martial lately holden for the trial of John Fenton Cawthorne, esq. a member of this House."

April 8. Sir Charles Morgan presented to the House a Copy of the said proceedings.

General *Smith* moved, "That such a number of copies of the Articles of Charge against the said John Fenton Cawthorne, esq. with the Opinion and Sentence of the Court Martial thereupon, be printed, as shall be sufficient for the use of the members of the House." If any of colonel Cawthorne's friends wished the whole should be printed, he had no

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objection; though he conceived it would be attended with needless expense and an improper waste of time.

Lord *Tyrconnel* moved, "That the whole of the said proceedings should be printed."

Mr. *Grey* thought it would be improper for the House to found any measure respecting one of its members upon the opinion of a court-martial. If printing all the papers was necessary to the purposes of justice, it ought to be done. He was afraid, however, that they were so voluminous, that printing them in a mass would tend to defeat any proceeding this session.

Mr. *Francis* opposed the printing of all the papers, because it could serve no good purpose, the friends of colonel Cawthorne having it in their power to make themselves complete masters of the evidence from the manuscripts that had been laid upon the table.

Mr. *Pitt* thought it was but fair that all the papers should be printed, and did not see any reasonable objection to the proposition.

The whole of the proceedings were ordered to be printed.

April 25. It was ordered, that the proceedings of the court-martial be taken into consideration on the 2nd of May, and that colonel Cawthorne do then attend in his place.

May 2. The order of the day being read, and Mr. Cawthorne attending in his place, the proceedings of the court-martial were again read, after which, the Speaker informed Mr. Cawthorne, that if he had any thing to offer in his justification, now was the moment to undertake it. Upon which,

Mr. *Cawthorne* rose, and from a written paper thus addressed the Speaker:

Sir; Under the distressful perturbation in which I rise in this most awful moment of my life, I am too sensible of the candour and humanity of the House, to think it necessary for me formally to implore for myself that indulgence which it will always, in its justice, show to every one of its members, when called upon to justify or excuse himself. Proud and happy, Sir, as I have hitherto been, in the enjoyment of a seat within these walls, no consideration whatsoever would have induced me to come hither to-day, had I not received the commands of the House to attend here in my place. I would not, Sir, have quitted the confinement I had imposed upon myself, as a proof of my profound submission to the judgment of a court-martial, composed of honourable men, although I was at the same time convinced that they had been so far frustrated in their research for truth by the intricacy and confusion in which it was inveloped, as to prevent my being able to convince them, that in the instances in which I may have deviated from the rigid line of military order, I erred either from defect of judgment, which I do not stand up to justify, or from the fallibility of inexperience, of which I was not then aware. But I most solemnly protest, I never acted with an intention to injure any man, or upon any fraudulent or corrupt motive whatsoever, and I venture to assert, that no legal proof has been, or, I trust can be brought before the House, of my having acted fraudulently or corruptly. And surely, Sir, though there can be no doubt but that the court-martial have proceeded with the purest intention, and with the most undeniable desire of making an upright judgment, they may, in a case so complicated and so voluminous as that upon your table, have been deceived. Might not irregularity have been mistaken for fraud, and the receipt of money not at any given time wholly expended, for misapplication, corruption, and embezzlement? In reality they were so; for in every instance to which the terms of fraud, misapplication, corruption, and embezzlement, are annexed to the opinions of the court-martial, without positive evidence to support them, were I even to admit that the facts of irregularity complained of, and of money not expended at certain given times, have been proved, I will venture to assert, that the inferences drawn therefrom of fraud, misapplication, corruption, and embezzlement, are erroneous. I trust, therefore, that the House will not look upon me in the light of having so suddenly deviated from the character, which, previous to my being thus charged, stood unimpeached. May I not be justified in alleging, that the prosecutor could not affix to any act of mine the appellation of any specific offence; because, after having searched through the mutiny act, in order to find the name of an offence which he could give to any thing I had done or omitted, he was under a necessity of pressing into his charges out of

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the articles of war, the words, "in a scandalous and infamous manner, unbecoming the character of an officer and a gentleman."

Sir, being again become a private member of civil society, I am too sensible of the respectability of those noblemen and gentlemen, who sat as my judges, and of the importance of courts-martial in general to the public safety, to harbour a thought, or to utter a word, that could have the remotest tendency towards shaking the general estimation, in which I hope and trust they will ever be held by all ranks of people, as a highly honourable, and indispensably necessary tribunal. But I hope, nevertheless, that the whole influence of military law will be entirely confined to military offences, and limited to military tribunals. For, Sir, I cannot omit observing, that lately I was called upon before a court-martial, not only to answer for my conduct as a colonel of a regiment, but to be responsible for acts done by me as deputy-lieutenant, and so charged and made amenable to a military tribunal for offences of a civil nature, although I had entered a formal and solemn protest against such proceedings. To-day I am called upon to attend in my place, to answer for acts done by me as a colonel of a regiment, and thus charged and made amenable in this high civil tribunal for offences of a military nature. But, Sir, from a consciousness of never having acted from corrupt motives, and a confidence in the unprejudiced investigation of this honourable House, it is the anxious wish of my heart to be tried by you, conformably to the usual course of your proceedings in all cases of trial; having no doubt that, under the scrutiny of your awful inquiry, I should receive a determination that would heal my wounded character, and re-establish my moral and social reputation. I am sure, Sir, the House of Commons will never consider itself as a supplementary court, for the purpose of receiving and registering the sentence of courts-martial, for the government of their proceedings upon one of its own members, nor deem it consistent with its dignity and justice, to see with their eyes, and to hear with their ears, the competency of evidence received by virtue of military laws. Nor will this House, I humbly apprehend, consider the proceedings of a court-martial as a sufficiently legal proof for them to decide upon the guilt or innocence of its members.

Presuming, therefore, that the House only calls upon me to efface the impression of those epithets which tend to fix a stigma on my moral character, and to show, that through the various charges, the language of the articles of war before-mentioned, does not necessarily attach on my conduct: I beg leave to call the attention of the House to the main criminating point of the first and second charges, which charge me, whatever moral guilt is alleged to be included in them, with the term fraud. Sir, I presume, from the evidence, that the fraud meant to have been proved, was supposed to have been effected, by concealing from different persons the terms in which a contract made with them was conceived, and which contract was signed by them. To that point I confine my defence; but if the complexion of the case is either to establish or refute any intention in me to commit a fraud, when I first drew for the whole of the marching guineas, it must surely weigh with the House to find that I paid every guinea instantly to every man at that time in the regiment; that I offered to return the remainder to the receiver-general, who refused to accept it; that long before the exhibition of any articles against me, a general voucher passed for the expenditure of the whole of that sum, which, in fact, was expended, for which the captains gave vouchers, and which they have sworn they would not have given, unless convinced that the whole sum had been expended; and that this is not a case where it is even pretended that the supposed object of the fraud could possibly have tempted any man to commit it. For it is but on the irregular application (and which the charge terms misapplication) of a few of these guineas, that the whole charge is grounded, and not on an embezzlement of them. Even this circumstance, I assure the House, arose from a misconception of the act, from which I conceived the recruits, as well as the men of the regiment, who were embodied in the county, were entitled to their marching guinea also, before they marched out of the county, and therefore agreed with them before they enlisted, for the payment of it along with their bounty, whilst in the county, and paid it to them. The moral turpitude of making such an agreement with any man before he was entitled, who knew what he was doing, and consequently was free to accept or reject any terms offered to him, I

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profess I cannot discern. If the recruit even did not understand specifically the meaning of the word marching guinea, as described by the act, yet if he generally understood (and indeed the receipt expresses it), that it was something besides, and in addition to, his bounty, and that that sum was all he was to have for coming into the regiment, it was his own act; and is it not with the utmost caution that men ought to be allowed to come into courts of justice to rescind their own agreements, and that by criminating those with whom they were made, when they offer no other proof of imposition than their own testimony, itself inconsistent, and contradicted both by written and verbal testimony also? But I submit to the House, that no receipts or agreements have been fraudulently obtained from any man; and even if they had been, it was neither with my privity or consent.—Six men only, out of the many recruits enlisted at the board of lieutenancy, were called to prove that the agreements for their bounty, including their marching guineas, had been fraudulently obtained from them. Four of these say, they either agreed with me or my serjeant; and two say they agreed with certain men called militia insurers, or their principals. The first four affirm, that they never agreed for their marching guinea, and that the paper expressing that circumstance, was never either read to them or by them, though this paper is a plain printed slip of paper (except in one instance, and then it was not produced), containing five lines in large letters, the words "marching guineas," distinguished by large roman capitals. In their examination in chief, they offered to give a clear and distinct relation of all that passed at the board when enlisted: they at first positively denied any explanation or reading of the agreement; but one, when pressed, admitted the serjeant did read the agreement, but he paid little attention to it; and the three others, when offering to the Court a supposed correct account of many facts that happened at the same time, then nearly two years before, and assuming correctly to remember every word and fact which could have a tendency to criminate me, but choosing to forget every thing which passed that would have refuted the charge of imposition, when unable to reconcile part of this testimony, said they were drunk, intoxicated, or in some manner besotted. If sober when they signed this agreement, how could they be ignorant of the contents of five lines of a plain, uninterpolated slip of paper, and which they set their names, not their marks, to? Could they write without their eyes being fixed upon the paper? and if drunk, ought they to have been admitted to come forward in a court of justice, to affirm or deny any part of a conversation which passed during their intoxication two years before? Whose honour or life is safe, if a fraud or felony can be established by men, who, relating long conversations, say they were drunk at the time they heard them? Had these men professed, in the out-set of their evidence, that they were deceived by having been made drunk, such a fact, had I countenanced it, would have been worthy of the most serious discussion; but in their examination in chief, they do not pretend to have been drunk at all; it is in their cross-examination that they first introduce the circumstance of drunkenness, and that, not as an imputation on me, but as an exculpation of the gross inconsistency of their evidence.

And here I submit, that though various objections were made by me to different questions and evidence, they do not appear in the printed report of the trial. It might have been justly expected by me, that the whole evidence of men, who on cross-examination had confessed themselves intoxicated, ought to have been struck out of the minutes of the proceedings. As to the two other men, they were two substitutes, not engaged by me at all, but by men called militia insurers, who paid them their bounty; receipts for their marching guinea were also taken from them. But the evidence proves this circumstance to have originated in hurry and mistake, and through the inadvertence of the recruiting serjeants. But supposing these agreements had not been read, my orders, as proved by one of the prosecutor's witnesses, as well as by captain Mason, were always to read and explain those agreements to the substitutes, and which both he and captain Mason swear were duly observed. If the serjeant did not do so, was he so far my agent for the purpose of defrauding another without my concurrence? and by what law could I be responsible for his not doing that which I positively ordered him to do? If the complexion of the case, subsequent to my causing these receipts to be taken, is to bear on this question, I intreat the

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House to look to the evidence of the duke of Richmond: it will there be found, that I communicated the circumstance of the men having signed these receipts to his grace, to whom the men had complained, informing him, that when I enlisted the men, I had agreed to give a certain sum of money, including their marching guineas, and that that circumstance was expressed in the receipt for the bounty. His grace, in several conversations, gave it me as his opinion, that the men who had given receipts could not make any farther claim on that account, always supposing such receipts to have been *bonâ fide* given. This matter was peculiarly referred to his grace, and, according to the prosecutor's letter, dated March, 1794, the matter there rested as a disputable question with him. I beg farther to refer to the production and full discussion of these receipts, among my officers at Shoreham; and however irregular some may have deemed these receipts, yet there and in all our meetings, neither the prosecutor, nor any other man, ever suggested the idea of a fraud; and he has ever represented me so pertinacious in my opinion of my receipts, as constantly, and in all companies, to assert their validity, to commit them into all hands, to declare my readiness to try the question, and to leave these to the captains to do any thing that might draw an inquiry on them. Are these the acts of a man who has committed, or authorized a fraud?

As to the eighth article, which accuses me of deducting a guinea from the bounties of the soldier, alleging it to be so done for clothing, and converting it to my own use, I answer, whether the guinea was deducted from the bounties, or whether it was agreed that it should be expended in slop-clothing for the recruit before he ever enlisted, is a matter of fact which the House will judge of on due reference to the evidence before them. But the proof that the men did contract for slop-clothing is, that they complained that the contract had not been fully performed on the part of the regimental taylor, and that this also was the system at the board; a system adopted on the suggestion of the prosecutor himself, to prevent desertion. One witness has sworn, that he informed all his men, before they engaged with him, that the deposit and payment of the guinea at the board, would be required of them when sworn in, for which reason he added a guinea to their bounty. Four out of the six witnesses on this charge, and those adduced by the prosecutor himself, are men engaged by this militia insurer. But that I converted the guinea to my own use, I solemnly deny; and it is as solemnly proved on the trial, that I never touched it, but that the regimental taylor had it, and gave value for it: each man had for his guinea, a coat, waistcoat, and hat, and ultimately a pair of breeches also. They all had their regimental clothing in addition, and in the same year also. This plan of clothing was to benefit the service, and not for my own emolument; and although some men might have worn their slop-clothing a few months extraordinary, yet, upon the whole, the regiment was benefited, and no man was deprived of one single article of clothing which government allows.

The 3rd, 4th, 5th, 6th, and 7th charges are dividable into two heads: the first, a corrupt receipt of monies for a corrupt purpose, and the converting to my own use that money: the second, an embezzlement of monies taken for an innocent or an indifferent purpose. This first point comprehends the discharge of deserters and other men, giving money to provide a substitute; the second, the non-immediate application of monies destined to provide the regiment with recruits. To the first, I entreat the House to observe, that having undertaken the recruital of the regiment in part, as other colonels of a regiment might have done, I did conceive myself at liberty to permit, under some circumstances, men to quit the regiment on their putting into my hands a sum to procure a man in their place; and I did conceive that if I continued without intermission that recruital, I fully, and not corruptly, discharged the engagement which I so contracted. On this principle I did discharge some of the men who were deserters, but no more than three in the course of three years. For I solemnly deny, that I knew of the discharge of two men, mentioned in the charge: one or two men, not being deserters, I also discharged, whose particular situation rendered them anxious to quit, and who were considered by me not fit for the service. These sums were openly proposed, and openly received, for the purpose of finding other men; but I in no case took such sums of money as a bribe. The House cannot draw an inference from hence that the money paid

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was a bribe to me to pardon and discharge the men; for the evidence proves that the money was expressly taken by me, in order with it to find another man; that I received it as such, and on written documents that I acknowledged it for that purpose received. I have expressly charged myself with that money for that purpose. Can the House, then, conclude it was originally given for any other purpose, than the evidence proves it was given for; or infer an intention contrary to the fact? Sir, I beg leave to ask, what constitutes the prominent features of the conduct of a man, corruptly receiving money for a corrupt purpose? what, but extortion, rapacity, and secresy. I have not taken advantage of the situation of any man having deserted, nor proportioned my demand to his expectation of punishment, nor requested my name not to be mentioned, nor burned, nor obliterated the proving documents; but, on the contrary, have ever given them away against myself. It is true that deserters have, in some instances been posted to persons from whom I had received money to provide a man for; but this was a practice which I found when I came to the board, and which not thinking either criminal or erroneous, I never contradicted. The monies arising from all these circumstances, constituted publicly a fund in my hands to be applied in finding men for the regiment. That fund I so employed, and it was every day diminishing; it was every day applied towards the purpose for which it was received. If I originally received that fund for the purpose of getting substitutes, and was daily so applying it, I ask the House when the embezzlement began, and by what it is proved? I entered into a competition with the recruiting for the city of London; I gave two guineas more than they allowed. I held additional boards, and got many of the best men, who otherwise would have enlisted with them. I paid all the expenses of enlisting myself. I paid all the bounties myself. I applied the fund I had received for the purpose for which it was received. Neglect and delay (if even they had existed) in applying this fund, might call down upon me a military censure; but my moral character, my character as a gentleman, will not, I trust, under these circumstances, stand impeached, when nothing but the suspension of my command, prevented me from expending every shilling I had received, and when that very suspension found me in the summer of 1795, in the act of expending it.

As to the charge of rejecting fit men, and engaging unfit men, on account of the difference of bounties, I must refer the House to the evidence, to learn, whether I, in any instance, so did; or whether my agents did so by my orders; for the reason alleged in the charge, I do not fear that the House will find that fact wilfully done by me or any of those whom I employed; and although it may be true that the bounty given for men was not always coextensive with the sum received for the purpose, yet the saving resulting from thence it was never my intention to convert to my use; but, on the contrary, I have proved my having expended on the regiment a sum of above 4,000*l*., which far exceeds any savings I could have in hand from any surplus of bounty, and no part of which is allowed by government. To the charge of wilfully keeping the regiment incomplete, though it be true, the severe epithets of the article of war are not introduced, as in the other charges, yet I cannot refrain from observing, that though this regiment, at the time of my suspension was deficient in numbers 88, yet, when I first took the command of it, it was 164 deficient. As to the charge of making a false entry in my orderly book, relative to a decision of a regimental court-martial, I solemnly deny the wording of that entry; and it does not appear on the evidence, that I ever gave any order on the subject, except by telling the serjeant himself, whom I restored to his rank, to go to my serjeant major and to tell him to put him in orders again as serjeant, without in any manner alluding to a court-martial at all. The man did so; he communicated my general order himself to the serjeant major, from whose misconception of the man's situation the wording of the order must have become erroneous. To the fact of the erroneous return, my answer is, that it was entirely unknown to me, and occasioned by the circumstance of the regimental clerk being ignorant of the discharge of some men whose names were improperly by him inserted in the roll; but this seems to me so solely a military offence, that I shall be silent upon it.

Sir, to compress the substance of my defence into such a compass as could retain the attention of the House, I do not conceive possible, considering the voluminous size of my trial; but what I have not been

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able to do, that I trust the House will, on examining into my fuller and printed defence, see whether it accords with the evidence produced before the court, and whence I trust, that though my conduct, in point of military regularity, may not be found wholly unblamable, yet my moral character, in my civil capacity, will not necessarily be found to deserve that, after the punishment I have already submitted to, the effect of those epithets should remain attached to it. I farther must beg leave to intimate to the House, that it may possibly appear to them, that the court-martial did exceed their jurisdiction, in putting me on my trial on several articles of accusation, for which I conceive I was responsible solely in my civil capacity; and that as I protested against that excess of jurisdiction, and I called on the court or judge-advocate, to take the opinion of his majesty's law officers, on those points, and which I do not learn was done—I say it may possibly be the opinion of the House, that should they even be disposed to carry my punishment still farther, in so doing, they must necessarily give their sanction to that which I humbly conceive was an unconstitutional act. Sir, I have not yet learned that there does exist any precedent of a proceeding in this House, against any of its members, grounded on any military sentence or proceeding. Dear to me as the rights and privileges of this House are, it is not for me, in my situation, to stand as it were in their defence, but to leave to the House in its wisdom to decide and discuss, how far a precedent established in my person may affect the relative situation of the House and the army, and what effect or possible control on the House such a precedent may produce, by seeming to authorize, in times less constitutional, and under a less firm government than that under which we live, a virtual influence of the military over the members of this House. Perfectly resigned to the determination of the House, I here close my defence.—Mr. Cawthorne then withdrew.

General *Smith* said, that the task which had fallen to his lot, of instituting an investigation into the personal misconduct of a member of that House, was a most painful one; but the performance of his duty was with him paramount to all other considerations. He had read the proceedings of the court-martial with great attention and the more he examined them, the more he was convinced of the justice of the sentence. It was with regret he perceived that the crimes imputed to the unfortunate member were not, as he had attempted to show, an error in judgment, or the casual conduct of a day; but that he had persevered in them for a considerable time. There were two or three points to which he would call the attention of the House; and first, as to a conversation said to have been held by this unfortunate member with another colonel. It appeared from the evidence, that the defence he had set up, on the score of inadvertency, was not founded in fact. When it was observed to him, that his conduct was disapproved of by his general, what was his reply? "I dont care a damn for my general; my brother officers agree with me that I should not, and I will not." What terms were strong enough to reprobate such a speech? His brother officers, so far from countenancing his conduct, frequently expressed their surprise at his having so long withheld from his men what was granted to them by parliament, and could scarcely be induced to believe he could be guilty of such offences. This was done at a time when there was considerable apprehension of tumult and discontent in the regiments. This consideration was no small aggravation of his guilt. He had heard much of precedents, but he should quote none of them, because he thought it unnecessary. Indeed in what he was doing he was following the impulse of his own mind merely; he did not know there was one man in the House who would second his motion. The great object he had in view was that of keeping up the respectability of the militia, which was so essential to the safety of the country. If once the character of that body, for honour, integrity, and independence should be gone, farewell to the internal security of Great Britain. The House should not suffer a man to continue a member, who had done that of which the unfortunate gentleman had been proved to be guilty. He should therefore move, "That the said John Fenton Cawthorne, esq., having been found guilty of the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 11th, and 13th, articles of charge, mentioned in the said proceedings, in the terms expressed in the sentences given thereon by the said court-martial, be expelled this House."

Mr. *Wigley* conceived that the House should pause before it came to a decision,

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and did not think any gentleman competent to form a judgment who had not read the minutes of the trial. He had perused them with infinite care and attention, and he was firmly persuaded that the unfortunate member did not act so much from corrupt motives as from an error in judgment. The charge with respect to the marching guineas, he considered not to have been made out on the trial; for the men, when the troops marched to Hounslow, were paid. Of 533 guineas, he had paid all away at Hounslow, except 101; if peculation was his object, he would certainly have kept the whole. In November 1794, the officers had a meeting; they did not then attribute fraud to the unfortunate member; they only came to a resolution, that the men were entitled to their marching guineas, and ought to be paid. With respect to the charge of taking money for substitutes, it would be found that he did not act through a corrupt intention, but through motives of humanity; for in three years not more than three men were discharged, and two of the three were unfit for service. The unfortunate member expended out of his own property, 400 guineas, for the benefit of the regiment; and it was not likely that a man, who was liberal in such large sums, should be guilty of a fraud to obtain small ones. It might be said, that the sentence of the court-martial precluded farther inquiry; but he, for one, could not be satisfied, except from an examination of the proceedings, and he hoped the House would not be convinced with less. The hon. general had talked about precedents; but he was sure he could produce no precedent in which the sentence of a court-martial had been made the foundation of an expulsion. It had been said, that if full effect was not given to the sentence of a court-martial, it might be productive of bad consequences to the discipline of the army; but if these sentences were carried to the extent now proposed, they might be productive of consequences much more serious; for courts-martial, in the hands of a despotic monarch, would then become a very serious engine of oppression. With these impressions, he would move, "That the debate be adjourned till this day three months."

General *Macleod* said, he agreed that the sentence of the court-martial, in this case, was perfectly just, and that that court had done honour to themselves, and justice to their country, by their conduct; but he took this matter up on a footing very different from any consideration which these topics involved. He did not think that the House of Commons was bound by the proceedings of a court-martial: he did not think that they were bound to enter into an examination of the voluminous book then upon their table. The object he had in view, was to prevent any member of that House from being subjected to expulsion merely on the authority of a court-martial. If this was to be a reason for his expulsion, then there would be an extraordinary increase to the influence of the crown? Any member might be tried and broke by a court-martial appointed by the crown, and then some person in that House attached to a corrupt minister, might move for the expulsion of such a member, and upon the authority of this case, he must be expelled. This case, therefore, might form a very dangerous precedent. The hon. general had quoted no precedent where a member of that House had been expelled, because he had been broke by a court-martial. He believed there was not such an instance. He remembered, on the contrary, the case of a noble lord who had been censured by a court-martial, and who afterwards, so far from being expelled, was a member of administration. This occurred during the American war. The sentence was ordered to be read to the army, as this was to the militia. But was that sentence followed up by a vote of expulsion? Certainly not. And yet that was a charge of a much higher nature than the charge now brought against the unfortunate member. Viewing the subject in this light, he must vote for the amendment.

Mr. *Pitt* said, that the proceedings of the court-martial afforded *prima facie* evidence, which rendered the unfortunate person, who was the object of them, an unfit member of that House. Two questions naturally offered themselves to his consideration. First, whether the charges proved by the decision of the court-martial were such, as to make the unfortunate object of them unworthy of a seat in parliament? Second, Whether any plea had been urged, to afford a presumption, that the decision was such as the House was not bound to regard? He would not say, that the decision of a court of law was such as to exact, in all cases, without previous examination, an implicit

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deference, because there might be instances where strong proofs could be brought against the validity of that decision; and this principle might apply with much more propriety to military tribunals. But the question was, whether, in the present case, such a counter statement had been made to the sentence of the court-martial, as would warrant the House in not adhering to its decision. It was true, the Journals of the House furnished no precedent for the motion; but if the principle on which it was founded was in itself just, it did not stand in need of any precedent. The House proceeded on the motion, not because the court-martial had found colonel Cawthorne generally guilty of misconduct in a military capacity, but because they had found him guilty of charges which rendered him unworthy of a seat in that House. To prevent the possibility of applying the present motion as a precedent hereafter, that the House should generally proceed on the sentence of a court-martial, he would propose, that the specific motives on which the court-martial had found the unfortunate person guilty, should be recorded on the Journals. Such a proceeding would guard against the possibility of any inference being drawn, that the resolution of the House had been founded merely on the sentence of the court-martial.

General *Tarleton* condemned the conduct of Mr. Cawthorne, but doubted the propriety of the House proceeding to expel any one of its members, upon the evidence of any court whatever. He thought they could not regularly proceed to such a measure, without hearing evidence of the guilt of the party, at the bar of the House.

Mr. *Francis* said, it appeared to him that the House, in the function and duty which they were to exercise that night, did not assume, and could not hold, any appellant jurisdiction whatever from the sentence of a court-martial. It had no authority to revise the proceedings or to confirm or reverse the sentence. The sole purpose for which, as he conceived, the proceedings were ordered to be laid on the table was, that the members might have the means of judging for the direction of their own conduct on another point, whether the sentence of the court-martial, as it appeared on the face of the proceedings, was or was not warranted? The next question for the House would be, whether the facts, supposing them to be truly found, would permit them to continue the high trust of a member of parliament in the person who was the object of such a verdict.

The question being put, "That the debate be adjourned till this day three months," the House divided:

Tellers.

Yeas	Mr. Wigley - - - - -	12
	Mr. Tarleton - - - - -	
Noes	General Smith - - - - -	108
	Mr. Pierrepont jun. - - -	

So it passed in the negative. Then the said proposed question was, with leave of the House withdrawn. And it appearing to the House, that John Fenton Cawthorne, esq. a member of this House, has been found guilty, by a court-martial, of divers charges, in respect of some of which he is found guilty of having acted fraudulently, and in a scandalous and infamous manner, unbecoming the character of an officer and a gentleman: resolved, "That the said John Fenton Cawthorne esq. be expelled this House."

Debate on the Quakers Relief Bill.] April 21. Mr. Serjeant *Adair* presented a petition from the people called Quakers, setting forth;

"That the Petitioners think it right to represent to the House the suffering situation to which they are subjected, both in person and property, by the conscientious scruple that it is well known they entertain against the payment of Tythes and other Ecclesiastical Demands: That the property, the domestic comfort, and the personal liberty of the Petitioners, are so liable to be affected and interrupted by the prosecution of Claims upon them for Tythes, &c. more especially in either the Ecclesiastical or Exchequer court, that they think they shall not be deemed importunate in referring their case to the House, seeing so long a time has elapsed since the Petitioners have made any application on the subject: That the Petitioners cannot ascribe to the legislature a disposition to place them and their posterity in a state of suffering on account of a religious scruple, which they can neither evade or desert, without violating their integrity; yet such is the effect of the law, as is painfully manifested in sundry instances, particularly in the deplorable case of seven of their brethren, now prisoners in the gaol at York, and without any present

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prospect of release, though convicted of no crime, except it be a crime scrupulously to adhere to what they conceive to be the plain precepts of Christ respecting the ministry of the gospel: And therefore earnestly requesting, that the House will bestow a serious consideration on their case, and grant such relief as may appear proper."

Mr. Serjeant *Adair* said, he should be content for the present with having the petition laid upon the table. The nature of the relief proposed, he would explain on Monday.

April 26. Mr. Serjeant *Adair* called the attention of the House to the nature of the relief which he intended to move for in behalf of the Quakers. He entered into a detail of his object in the present measure, and also into a history of acts of parliament as they had been made, from the 7th and 8th of king William downwards. By the religious scruples of the Quakers, they could not make a voluntary payment of tythes; conceiving it to be contrary to the precepts of Holy Writ, and in consequence of these scruples they were subject to great inconveniencies. This circumstance had struck the legislature long ago, and therefore, an act had passed, whereby a justice of peace might make an order for the sale of the defendant's goods who had been found to owe tythes, and, who being a Quaker, could not make any voluntary payment; this extended, however, only to the sum of 10*l*. This act had been found, as far as it went, to answer the purposes for which it was intended. His intention was, to follow up its principle, but to take off the limitation which confined it to 10*l*. There would, however, still remain a case, to which the remedy of the act he alluded to did not apply, and that was when the title was in question. That he proposed to be tried in a court of law, like other titles, and when the question of title shall have been settled, then the mode of obtaining the dues on that title shall be subject to the same summary jurisdiction, as if the title had never been in question. This would produce the whole remedy upon this branch of the case. He should propose farther to remedy another defect, with regard to the enforcing payment of tythes, that where the party had not goods sufficient in one county, that wherein he shall dwell, to pay all that should be due for litigating the issue, a sequestration shall be issued against his effects, as in other cases, until the demand shall have been fully satisfied. The only beneficial effect of all this would be, that the plaintiff who shall sue for and recover his tythes, shall not be at liberty to make his election and imprison the defendant, while such defendant shall have goods enough to satisfy the demand, because in that election consisted the hardship against the Quaker; for if he was imprisoned for it, he must either be confined for life, although he may have goods to pay, or do a deed which he thought against the law of God. He had now stated all that the Quakers wished to be offered on their part. There was, however, another subject which he felt it his duty to state to the House. This was the present restriction in taking the affirmation of Quakers. By the law as it stands, they cannot be examined on their affirmation in any but civil actions. He was not able to see the wisdom of the distinction. By taking their affirmation in criminal cases, the public would be benefited by their testimony. He had known some important failures in the administration of justice in consequence of this restriction. He should, therefore, propose that Quakers should be examined on their affirmation in criminal cases, subject as they now were in civil cases to all the consequences of perjury. He then moved, "That leave be given to bring in a bill for the farther relief of the people called Quakers, as to the imprisonment of their persons, and for making their solemn affirmation evidence in criminal as well as civil cases."

Mr. *Wilberforce* expressed his hearty approbation of the principle of the bill.

Mr. *Francis* was as desirous as any man to give every possible relief and protection to persons who were really and sincerely scrupulous, in a religious sense, about paying tythes. His doubt was, whether, in some cases, these scruples might not be professed where they were not seriously felt, for ostentation or for merit, in hopes to pass for victims or martyrs with their sect; and then, generally, whether it might not deserve consideration how far it might be safe for the legislature to encourage the plea of religious scruples against obedience to the laws, how far that indulgent principle ought to be carried, and by what general limits it ought to be confined in its application. With respect to the affirmation of Quakers in criminal cases, un-

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doubtedly, the public ought to have the benefit of their evidence.

Mr. *Pitt* said, that he also should be unwilling to give extraordinary indulgence to scruples that were not sincere, but here there was no temptation for persons to pretend to scruples falsely; for by so doing they would be subject to much more rigour, with regard to tythes, than if they did not pretend to them.

Sir *W. Dolben* approved highly of the proposed regulations, and thought they would be equally beneficial to the Quakers and those entitled to tythes.

Mr. *Lechmere* said, that the Quakers were a most orderly and quiet set of people, and highly deserving any immunity that would render them comfortable.

Mr. *Wigley* believed the scruples of the Quakers sincere, and expected the greatest advantages from the bill proposed.

The motion was agreed to *nem. con.* and the bill was brought in on the following day.

May 10. On the order of the day for going into a Committee on the Bill,

Mr. *Francis* said, it was a matter of fact, that the scruples of conscience stated to form the grounds of the necessity of this bill, did not proceed from the individuals themselves, but from the operation of a higher power, which at the yearly meeting prescribed rules and orders in the manner of a government, and excommunicated the persons who did not obey them. If such were the fact, he thought that dictatorial power ought to be checked, and the persons inclined to obey the laws of their country protected.

Mr. Serjeant *Adair* thought it would be difficult for the House to take cognizance of this objection, and dive into the hearts of men for the causes and motives that regulated their opinions. Whatever the scruples of the Quakers might be, they did not interfere with the rights of others, and that he considered to be the necessary question.

Mr. *East* objected to the bill, because it gave a relief to Quakers from the process of the Ecclesiastical court, which was an indulgence not allowed to members of the church of England.

May 14. The bill being read a third time, Mr. Robert Smith proposed a clause by way of rider, "for liberating certain women, calling themselves Quakers, from the gaol of Nottingham, imprisoned there under a writ of *excommunicato capiendo*." The Speaker said, that as the proposed clause was not connected with the title of the bill, it could not be introduced without infringing the rules of the House. Sir W. Scott, the Master of the Rolls, and Sir R. Sutton also opposed it as a violation of the orders of the House, and contended, that it was not right to suffer people to set up religious scruples, as a pretext for disobedience to the laws of the country. In a regular way, they would not object to any relief the House would think proper to grant. Mr. R. Smith withdrew the clause, and the bill was passed.—On the 15th, the Bill was read a first time in the House of Lords. On the following day, when the order for the second reading of the Bill was read, the archbishop of Canterbury said, that as the bill involved a question of right of very great importance, and as it had been introduced at this late period of the session, he would move, that it be read a second time on that day three months. After a few words from the duke of Norfolk, the bishop of Rochester, and the lord Chancellor, the Motion was agreed to. The Bill was consequently lost.

Debate in the Commons on the Bill for granting Duties on Legacies of Personal Estates.] May 22. On the order of the day, that the report on this Bill be now taken into further consideration,

Mr. Alderman *Newnham* said, he felt objections to this bill, which, to his mind, were insurmountable. First, he objected to the tax on account of the inquisitorial part of it. By this bill, an exact account of a man's circumstances might become the conversation and amusement of the loungers of a common coffee-house. For if government should not be satisfied with the account given in by an executor, there was to be an inquisitorial power, in order to examine the whole of his accounts. There were many circumstances which a man might fairly and prudently wish to conceal, even from his partner in trade; but by this bill every thing was to be exposed to the public at large. This would subject all descriptions, particularly commercial men, to the most serious inconveniencies. This bill was a tax on the bounty of a man to a well-tried and approved friend or domestic, to the great amount of 6 per cent. There was a description of persons not acknowledged by the law, for whom a man might, very

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properly, have a tender affection, who would feel severely the effects of this bill: he meant illegitimate children. The bill stated what was to be done by those who should take upon themselves the burthen of executors. None but an attorney would be qualified to be an executor. The original plan, too, had been divided; the landed property into one bill the personal property into another. He wished them both to come on together, that the House might see the extent to which this was to be carried. He believed that when the landed property bill should be brought forward, the opposition to it would be so great, that the minister would be compelled to abandon it. He would venture to foretel, that when this bill came to be understood by the public, there would be a terrible outcry against it. He would therefore move to leave out the word "now," and at the end of the question to add the words "upon this day four months."

Mr. *Rashleigh* said, that the exposure of property which would be consequent upon this bill, would be highly prejudicial to trade. Many traders of the best character and fairest intentions, extended their speculations to double or triple their capital: and it might hurt their credit, if the exact state of their property were laid open to the world. He thought the bill would introduce much litigation.

Mr. *Fox* said, he had considered the bill from the very beginning to be a measure altogether impracticable in the present state of the country. Every species of commercial property must by the bill be laid hold of and exposed. The very idea of making a man pay a profit to government for his property *ad valorem*, implied that the value of that property should be ascertained. This must also necessarily make public the value of all the bequests in the kingdom. This ascertainment of the value of every thing hereafter to be bequeathed, must necessarily depend upon a balance between debts and credits. Now, there must be cases in which this system would be attended with great injustice. It was said, that as we cannot ascertain the value of a person's property, it should be taken according to the profits afterwards received. Let the House consider the tendency of this system. There must be thus annually laid before parliament the whole state of our commercial prosperity and adversity. A man might lose upon one branch and gain upon another; he might have a partner in the one case, and he might be concerned alone in the other, and he might bequeath a legacy to the partner who had sustained this loss; then there must be a deduction of 6 per cent. out of such bequest. This was an evil that was inseparable from the very nature of the bill. Now he would ask, how was it possible for a man to give an account *ad valorem* of the profits of a trade complicated with a thousand circumstances? And how was this account to be made to government without the whole of the circumstances of that trade being made known to the public? It was well observed, that a great hardship would be cast on illegitimate children. How was this to be managed? Was there to be an inquiry into the legality of the marriage of the father, or the grandfather? Had government that power? If they had, what a scene of confusion and intolerable vexation would follow from the exercise of that power! If this bill was consented to, other taxes of the same kind would be brought forward. Admitting the principle to be just, he could not see any good reason why it should not be extended.—He then took notice of property in the funds. There was, indeed, a solitary act which recognized the practice of recurring to it as an object of taxation. But he did not think that just; for when we funded a debt, we contracted with the holder of it, that he should enjoy it without diminution by a tax while he lived, and that he should bequeath it to his posterity.—He thought there was a great deal of force in the objection of the worthy magistrate about not bringing forward the other bill with regard to the tax on landed property. He saw no good reason why they should be separated, but many why they should be kept together, and chiefly that the House might see the real extent of the plan. By applying it to landed property, the impracticability of it would be more striking. He had many objections to the particular provisions of the bill, but they were all as nothing when compared to his objections to the general principle. The idea of an *ad valorem* estimate of taxation on a man's property was repugnant to sense and justice in any country, but particularly in such a country as ours, where it was impossible to calculate the inconveniences to which it would give birth. He was confident that a sense of duty would

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oblige him to vote for the rejection of the bill. He should now, however, only desire that this bill should be delayed, until the bill for taxing landed property should be brought forward.

The *Solicitor General* said, that there was not a necessary connexion between the two bills. The principle of both was already recognized in the act imposing a duty on legacies of 20*s.* per cent. when the legacies was above 100*l.*, and of 40*s.* per cent. when it exceeded 400*l.* It had been argued that the bill was impolitic, because it went to lay open the state of private property. Such investigations were sanctioned by the laws in Jamaica, and there they had been productive of no bad effects. But, upon the provisions of the present bill, there was no necessity for any such investigation because it would be always in the power of an executor to avoid it by proposing a composition. The mode of taxation proposed in the bill took nothing from the actual enjoyment of any person upon whom it operated. The case of illegitimate children was somewhat hard, but it would be impossible to make an exception in their favour; besides, it would be in the power of the father to provide for the payment of the tax, by making an additional allowance to his natural child.

Mr. *Grey* thought the bill would operate as a considerable hardship upon those persons who, though not illegitimate themselves, derived their existence from an illegitimate source, as they would be strangers in blood, and be made liable to incur the whole expense. Whatever might be the policy of Jamaica, it had always been contended here, that to oblige a person to make a discovery of his private concerns would be fatal to the commercial credit of the country. The learned gentleman said that the bills ought to be divided, because the provisions were different, though the principle was the same: now, he thought, that, if the principle was the same, they ought to be discussed together.

The *Attorney General* said, that the first objection to the bill was, that there was no exception for illegitimate children. Now, such had always been the case with former acts, and he conceived it proper. This act, however, was lenient, in comparison with other acts: for if the testator stated his legatee to be his child, although illegitimate, he would enjoy the exception made in favour of the lineal descent. He reviewed the acts relating to legacies, passed in 1780, 1783, and 1789, every one of which, he said, permitted the inspection of private concerns. The bill, on the whole, provided for the ease and convenience of executors, by obviating numerous inconveniencies; and he was persuaded it would be acceptable to the country.

Mr. *W. Smith* thought the clause in the bill respecting the disclosure of commercial property so objectionable, that, if it was understood by the public, he was convinced it would occasion serious opposition to the measure. The mercantile world were totally unaware of the clause; and this was a reason why time should be given for farther consideration.

Mr. *Pitt* said, that in the course of the debate it had been asserted, that if the House agreed to the tax on collateral succession, they would establish the principle by which a tax might attach on direct succession. How little was this argument consistent with the idea thrown out by gentlemen opposite with respect to illegitimate children! They thought the case of illegitimate children distinct from that of strangers; that they stood in a more intimate relation to the testator. Yet illegitimate children stood, in the construction of the law, as absolute strangers, and, except an express provision was made for them, were not entitled to claim any thing. Yet they who affected to complain of the hardship in this instance, affirmed, that in the present measure there was no distinction of principle from the case of the immediate succession of legitimate children. The present bill introduced no new principle of inquiry. It had existed for a long series of years; and to those who were best acquainted with its operations he appealed, whether it was attended with any of those fatal consequences to commercial credit, which, it was stated, would result from the present measure.

The question being put, That the word 'now' stand part of the question, the House divided:

Tellers.

Yeas	Mr. E. J. Eliot - - - Mr. Sargent - - - -	46
Noes	Mr. Ald. Newnham - - Mr. Rashleigh - - -	16

April 5. The bill was read a third time. On the motion, That the bill do pass,

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Mr. Alderman *Newnham* begged gentlemen to consider how oppressively the act might in some cases operate. By a succession of deaths in a family, the same property might be taxed five or six times in one year. If the bill passed, however, some people might think this the best country in the world to live in, it certainly would be the worst to die in.

General *Smith* objected to the principle of the bill, and to all its provisions. If such a bill had been introduced forty years ago, it would not have been tolerated. He reminded the House, that the cyder tax was so extremely offensive, because it empowered persons to enter private houses, and disclose the secrets of families. There were some things which ought to be held sacred; but they would be violated by this detestable tax, which was neither more nor less than the establishment of an inquisition.

Mr. *Fox* rose also to object to the whole principle of it. It was a new principle, which, if followed up, would be extremely dangerous. He had heard it stated, that this tax would not be just, unless a tax was levied upon landed property also. He would therefore move to have the present debate adjourned till it was found practicable to bring in a bill to levy a similar tax upon landed property, because, although the principle of the two bills was the same, he understood the provisions were different, and therefore, although it had been found practicable to raise a tax upon the descent of personal property, to raise a tax on landed property, might be found impracticable. He would therefore move, "That the debate be adjourned till this day fortnight."

Mr. *Pitt* agreed, that the principle on which the two bills were founded was much the same, and that if this passed, it would be very desirable that the principle should be extended to real property. He, however, by no means admitted, that the House being satisfied of the propriety of imposing a duty upon personal property, should give up a productive tax, because the principle could not be extended to real property. The bill for the tax upon real property would soon be introduced, and, he hoped it would appear that its provisions were practicable; but if, upon fair investigation, it should seem impossible to extend this principle to real property, he saw no reason why the principle should be given up in this case, in which it was perfectly practicable.

The question being put, "That the debate be adjourned till this day fortnight," the House divided:

Tellers.

Yeas	Mr. Grey Mr. Ald. Newnham	16
Noes	Mr. Solicitor General Mr. Hobart	64

The Bill was then passed.

Debate in the Commons on the Bill for granting a Duty on Succession to Real Estates.] April 21. Mr. Pitt presented a Bill for granting a Duty on Succession to Real Estates. The Bill was read a first time. On the following day it was read a second time, and committed.

May 5. On the motion, "That this House will immediately resolve itself into a committee to consider further of the said Bill,"

Mr. *Rashleigh* said, that this tax was liable to the same objections which he had urged against the personal succession tax bill. It paid no regard to the different values of the lives of persons on whom succession devolved. He was decidedly against it, and would therefore move to leave out the word "immediately," and insert the words "upon this day three months" instead thereof.

Mr. *Fox* opposed the bill upon two grounds; first, the novelty of the principle, as a tax upon capital; and secondly, the iniquity of the application. It was a system which, if acted upon in the extent to which the principle might be carried (and he admitted the present instance to be only a slight degree) would enable the state to seize upon the whole property of the country. Of all the shapes in which despotism had ever existed, that, in his opinion, was the highest, which rendered the sovereign heir to the whole capital of the country. This he admitted the present bill did to a very limited degree; but if the principle was once adopted, the progress was easy, and it was impossible to calculate how far it might be extended. From brothers and relations in a collateral line, it might in time reach to children, and from four or five per cent. the tax might be increased to ten or twelve. This was his principal objection to the bill. He had another, however, grounded upon the particular hardship which would in certain cases attend its operations. In cases of mar-

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riage settlement, children were most frequently the objects for whom provision was made; but sometimes collateral relations had an interest in the settlement. A case of that kind had come under his own experience. In case of the death of his nephew, lord Holland, he was to succeed to the estates of his elder brother, by an article in the marriage settlements. As it happened, he had not given any consideration for the contingent benefit of this settlement. He might, however, have paid his brother some consideration for it, and in this case, were the tax to attach upon this property, the contract would be violated, because he would not receive the value of it in the same circumstances in which it stood when he concluded the bargain.

Mr. *Pitt* said, that the principle of the bill had been already recognized in the personal succession tax, and also in the duty formerly existing upon legacies. It had been urged, that it would swallow up the whole landed capital of the country. It had no such tendency. It had been stated also that the tax might be paid several times over. This could not be done by the same persons; nor was it likely that it could be done by the same estate, when the chances of direct succession were fairly calculated. In no case, however, was it a tax upon the capital; nor would it ever diminish the real value of the estate, because the tax was of such a nature, that it could easily be paid by the occupier in the course of the four first years after his succession to it. As to its affecting contracts formerly made, it could have no such tendency: and in the case particularly mentioned, the tax would not attach at all.

Mr. *Grey* insisted that the bill proposed a partial and bad mode of levying a land tax. The right hon. gentleman had said, that it was not a tax upon the landed capital, but upon the landed income. Why, then, did he not lay it directly upon those in existence, and not upon posterity? It was to all intents and purposes, a tax upon landed capital, and could not, in most instances, be paid by annual instalments. A tax upon the capital of of any country could not fail to hurt its prosperity, and the discovery of the state of property to which the levying of the tax would necessarily lead, would prove a source of vexation, and might become an instrument of influence to a minister over the landed gentlemen.

The *Attorney General* said, that the bill was, indeed, a tax upon the produce of land, but could not be called a land tax. The discovery of the state of a man's affairs was not of the dangerous tendency insisted upon.

Mr. *Jekyll* said, that the bill would operate as a tax upon land. The discovery that would take place would evidently be attended with every circumstance of publicity.

Sir. *W. Pulteney* thought the bill highly exceptionable. It was a direct tax upon capital, and might be increased, whenever it was thought convenient. He thought this a worse measure, that it was to be paid in the four first years. It was levying in this time what might be put upon ten or twelve years, and, lest a man should die, making the most of him immediately. It was the advantage of the taxes in this country that they were optional, and therefore sat more lightly. Here, however, the hardship would be more felt, because it was a tax that the person subject to it was positively obliged to pay.

Mr. *Bastard* said, that if there were no other way than by adopting this bill to avert a national bankruptcy, he might vote for it; but not otherwise. If this bill should pass, the management of the land tax must be put into other hands; for surely those who had its present management would give it up. Was any one prepared to say he would put an arbitrary fine upon a man? And yet this must be the case under the bill; for how was a person accurately to estimate the value of the interest which each person had in an estate which was the object of taxation? This would create ill blood all over the country.

Lord *Sheffield* said, that a more partial tax could not be imagined. It had been said that the funds should not be touched; but in preference to this tax, he would recommend a stamp on the transfer of stock.

Mr. Alderman *Newnham* reprobated the bill, which, with the tax on collateral successions, he had no doubt would be found so odious, that some future administration would be obliged to repeal them.

Mr. *J. H. Browne* contended, that the bill could not come under the denomination of an act to enforce an additional land tax.

The question being put, That the word "immediately" stand part of the question, the House divided:

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Tellers.

YEAS	Mr. Solicitor General -	64
	Mr. Douglas - - -	
NOES	Mr. Rashleigh - - -	24
	Mr. Jekyll - - - -	

The House then went into the Committee.

May 9. On the motion, That the Report of the said Bill be now taken into further consideration, Mr. Crewe moved, to leave out the word "now," and to add the words "upon this day three months."

Lord *George Cavendish* said, that the tax was liable to two principal objections: the insecurity which it would give to landed property, and the production of deeds, which, from the power vested in the commissioners it would render necessary. It would tend to equalise all property, and would operate as a confiscation of all the great landed estates in the country, for the use of the government.

Mr. *Pitt* said, that the degree in which the bill would affect landed property, was so small, that it could not have the effect of equalizing it in the way stated. It was a tax that never could diminish the capital in any material degree. It never could be paid with reluctance; because the persons by whom it would be paid, would stand in such a degree of relationship, that they would feel little or no hardship in paying the tax out of that property which they did not expect to enjoy. It had been said, that this tax would compel a production of title deeds, and a consequent exposition of tenures, and the incumbrances that estates might be subject to. The fact was, that the bill, in no instance, went to compel the disclosure of any such circumstances.

The *Solicitor General* said, that the principle of the measure had been long before the House. It was, in fact, a tax on income, to be paid by instalments during the first four years of possession.

Mr. *Fox* said, that all the objections to this measure remained in full force. It was, in fact, what he had stated it, a tax upon capital; for it was levied in proportion to that capital. If it was really a tax upon income, why not fairly lay it upon income? It was said, that it was to be paid by instalments during the first four years; but if the same was paid by the man who enjoyed four, and the man who enjoyed forty years, it could not be said to be a tax upon income. In such a country as this, all taxes on capital were dangerous. He believed that much of our prosperity was owing to the complete disposal of property which was enjoyed. If this tax had been laid on the transmission of property by sale, no man would have denied its bad effect; but when freedom of disposal even at death was impaired by annexing burthens to the transmission, the bad consequences would, in a certain degree, be felt. In all cases where the payment of the tax depended upon the terms of succession, production of deeds was inevitable. It was not the extent of the sum to be levied, but the precedent that was dangerous: it might be extended to direct succession; and he saw no difference in the principle. Upon the whole, there was no principle of taxation more destructive than that which tended to destroy the power of exchange and transmission, and thereby lessen the desire of acquisition. And, as this bill encroached upon this principle, he hoped the House would consider seriously the consequences that might follow from so unprecedented a system of taxation.

Mr. *Windham* said, that the main objection to this tax was, that it was a tax upon capital; but it was not so clear as was represented that all taxes upon capital were bad; on the contrary, it was the opinion of many writers of great eminence that a tax upon capital was the best mode of taxation, provided it could be laid on equally. Now, this tax operated in the fairest manner, and at the time when there was the least objection to pay it, viz. at the moment when a person came to the possession of the estate. Gentlemen contended, that it was impolitic to burthen the transfer of property in a commercial country like this: it certainly was to be avoided as much as possible; but property must be taxed, and the question was, whether this was not as unobjectionable a mode as any that could be devised? Another objection to this tax was, that in a course of years, it would swallow up the whole capital; it certainly would. Every tax must, in a great number of years, have that effect.

General *Smith* thought the bill a paltry expedient for raising a trifling sum, which could have been much better supplied by other means.

Sir *W. Pulteney* objected to the bill, as containing a principle, which, if adopted, would establish a fatal precedent. The

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first bill went entirely to tax the capital; as landed property was valued at 28 years purchase, and the present bill was only substituted on account of the objectionable nature of the former; but although it was more mild, it did not vary in its principle. It had been contended, that it was not a tax upon capital, but upon income; he nevertheless asserted, that it was a tax upon capital, levied in a most insidious mode. It attached at first only upon collateral, but in a short time it might be extended to lineal heirs, and from a small tax to a greater amount, till it swallowed up the whole capital of the kingdom. He had also a weighty objection to the bill, on constitutional grounds. The taxes in this country, generally speaking, fell equally upon all; but in this instance, a tax was imposed upon a particular class of individuals. To this partial mode of taxation, the loss of America was to be attributed. The apology set up was, that the sum was small; but did not stamps, which at first only yielded a trifle, at this time produce an annual revenue of a million sterling? The best time to check innovations, was when they were first proposed; if once allowed fairly to commence, there was no calculating to what lengths they might be carried.

Mr. *Bastard* attacked the bill upon the ground of its being partial and oppressive, and tending to excite disputes between landlord and tenant, in one word, to embroil the peace of the community. By the provisions of the bill, the commissioner of the tax was authorized to interfere between the landlord and the tenant, and to settle the differences which might subsist between them, according to his caprice. Why, if the bill were only a tax on income, were not pensions and places in reversion made equally liable with land?

Sir *Adam Fergusson* objected to the tax altogether, as one that would be particularly unpopular in Scotland, where a strong partiality for family estates prevailed, a partiality which it was wise to encourage, but which the bill tended to diminish.

The *Attorney General* asserted, that the bill was a tax, not upon capital, but upon income, which was to be paid by the heir in the course of the first four years after his succession; so that it did not effect the value of the inheritance: it was merely a tax upon his life estate. He contended that the tax was as eligible as any that could be proposed, and he hoped that it would meet the approbation of a great majority of the House.

Mr. *Sheridan* said, that the present was the most execrable measure of finance that had ever come before parliament. He had no scruple to say, that the bill was utterly impracticable, and if time were allowed, any gentleman who examined it with a keen eye would see that it abounded with the grossest errors and inconsistencies. He was against any tax that shifted the burthen to posterity; for he thought that those who submitted to measures which necessarily produced taxation, should themselves feel the burthen, as it might operate to prevent them from supporting the present irrational system of warfare.

The question being put, "That the word "now" stand part of the question," the House divided:

Tellers.

Yeas	Mr. Attorney General - Mr. Matthew Montagu -	81
Noes	Mr. Crewe - - - - Lord George Cavendish	52

May 12. The question being put, "That the said bill be now read a third time,"

Mr. *Francis* said: — Mr. Speaker; I should indeed be sorry that this pernicious bill should finish its progress through the House, without my having had an opportunity of expressing my opinion of it more explicitly and distinctly than by a silent vote. I do not mean to enter into any observations on the particular provisions of the bill. The objections to it in detail, on the score of injustice, hardship, and impracticability, I believe, are endless; I hope they are insurmountable. Let the bill pass as it is, with all its vices and all its absurdities. The more it is loaded with them the better; for that, I fear, is the only chance we have of ever seeing it repealed. My objections are on principle, and fundamental. They are the result of the most careful attention and consideration, which I am capable of giving to any subject. I do not believe that it is possible for any human ability to answer them fairly. I look upon the bill not merely as an act of taxation, but as a political measure, immoderately increasing the influence of the crown, and full of danger in its obvious consequences to the constitution and freedom of the country.

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It appears in a form which never was assumed, and acts on principles which never were avowed in this House before. The essential qualities of the bill are these; first, that it does not operate immediately, nor with all its force, but applies to cases and situations which do not instantly exist, and which, therefore, individuals may hope are remote from themselves, and may never reach them. Of course, it annihilates that just and rational check, which the constitution relies on, in favour of the subject, namely, that the representative will not impose exorbitant taxes, without clear necessity, on his constituents, as long as he shares immediately and alike with those who are to pay. By far the greater part of the members of this House are already in possession of all that they expected. But the most dreadful of all considerations is, that the tax is to operate, not now, but hereafter. What guard, then, have we left against the most profligate extravagance and waste of the public fortune, if no part of the burden, whatever it may be, is to be borne by ourselves? Suppose, for a moment, that by any possibility the expenses of an actual war could be provided by taxes, of which the burthen should not be felt till twenty years hence, how few would care or consider what that expense would amount to. Too many of us I fear would say, "The case will not happen in our time." But not only the entailed expence would be disregarded, but the war itself, and all its pernicious consequences, would be thought of with unconcern, as long as the money by which it was supported was not taken directly out of our pockets: so that all the checks derived from self-interest against profusion on one side, and profligate measures on the other, would be utterly removed. But, secondly, this tax, whenever it does act, will not operate collectively, and at once, on the whole community, but individually and successively upon one man after another. Here another guard against unjust taxes is taken away. When all men feel together, they will probably resist together; but when every individual may possibly hope that the burthen may never fall upon himself or remotely affect his posterity, he shrinks, of course, from united opposition, and looks to nothing but personal exemption, or personal compensation. At last, however, the effects of this tax appear to have made a more general impression. Some persons (I say it without the smallest satisfaction, though I have lamented their absence) have at last come forward to oppose it. This tax touches property in great masses, and must be resisted. Sir, it happened to me lately, to recommend it to some of our great, enlightened ministers to look into history for instruction. I said, it would enable them to judge, from the former policy and practice of the House of Savoy, what the conduct of the court of Turin might probably be in the present conjuncture. They heard me, as usual, with indifference and scorn. The event has now taken place, even beyond my apprehension. Why do I allude to this circumstance at present? To engage, if it be possible, the great landed proprietors of this country to look seriously at their own situation before it be too late. History, in effect, is prophecy, and in a general view and judgment of human conduct, even better than particular intelligence. I wish these great proprietors of masses of land to look into the history of Spain and France, and see what happened there to persons of their own level, and once as rich as themselves. The grandees of Spain thought themselves secure in their titles, and rank, and fortune, and refused to make common cause with the people, when the laws and liberty of their country were attacked and destroyed by Charles 5th and Philip 2nd. You know the consequence. The most insignificant and degraded order of nobility in Europe, are the grandees of Spain. In France, the same event happened: the great lords were drawn from their estates and their castles, to attend on the monarch. By degrees they became slaves at Versailles, and for the most part had nothing to subsist on but the bounty of the court, "les graces de la cour"—they, whose estates were left to them, if they happened to give offence to a minister or to a mistress, when there was no room in the Bastille, were sent back to their estates—they were "exilés dans leurs terres;" and banishment in fact it was, because their houses were in ruins, and their lands in desolation. Let our great proprietors look to these examples: the ruin which they suffer to be brought on the other orders of the community will not stop there; their turn assuredly will come: at present, I know, they are happy and secure; they think they are in no danger, that they have nothing to apprehend for themselves, and that all that they are

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doing is only to destroy the liberty of their fellow-subjects.

The question being put, "That the said Bill be now read a third time," the House divided:

Tellers.

Yeas	Mr. Solicitor General Mr. Douglas	46
Noes	Mr. Grey Mr. Crewe	48

So it passed in the negative. Mr. Pitt moved, That the bill be read the third time to-morrow morning. Upon which Mr. Sheridan moved to leave out the words "to-morrow morning," and insert the words "upon this day three months." And the question being put, That the words "to-morrow morning" stand part of the question, the House divided:

Tellers.

Yeas	Mr. Jenkinson Mr. John Smyth	54
Noes	Mr. Francis Mr. Sheridan	53

So it was resolved in the affirmative. Then the main question being put, That the said bill be read the third time to-morrow morning, the House divided:

Tellers.

Yeas	Mr. Wallace Mr. John Smyth	54
Noes	General Tarleton Mr. Randyll Burch	54

And the members being equal, Mr. Speaker said, that he would not, by his vote, preclude the House from again considering the bill in question; and therefore he declared himself with the Yeas. So it was resolved in the affirmative. Mr. Pitt then informed the House, that as he perceived so many gentlemen were unfriendly to the bill, he would move to-morrow to put it off for three months; which he accordingly did.

Debate on the Marquis of Lansdown's Motion touching Reform in the Public Offices.] May 2. The Marquis of *Lansdown* rose and said:—Sensible as I am of the improbability that any motion of mine should meet the assent of a majority of your lordships, it may perhaps excite some surprise, that I should offer myself to your attention. I have only to answer in my own defence, that if ever I weighed a subject more than another, it is this—whether I should ever again trouble your lordships. I was not reduced to this state of perplexity from any motive of personal disrespect to your lordships nor from any feeling of personal neglect But the utter improbability of any exertion that I could make, being successful in producing a change in the system at present acted upon, discouraged me from undertaking a task, which I had every reason to fear would prove fruitless in the end, accompanied as it is with a sacrifice of health, the trouble of attendance, and above all, an intrusion upon the patience of your lordships. Why then, it will be asked, have I ventured to appear in my place this evening? My answer is, that had I pursued the line of conduct which these considerations suggested, I should have been under the necessity of explaining to the country the grounds upon which I acted—another motive which has influenced me to trouble your lordship this day—on the 15th of December 1779,* and on the 8th of February 1780, I proposed two motions, the effect of which was, to suggest that system of public operations with which it is my wish that the resolutions I am to submit to your consideration, this evening should follow up. When these motions were proposed, they were called, not republican, but anarchical: they were said to be instruments of alarm, and the committee appointed to give them effect was termed a committee of safety. I had the satisfaction, however, of seeing the minister of the day obliged to come forward to propose a commission of public accounts. This commission was composed of independent men. The measures which were then adopted, embraced an extensive system of reform. In that system I was supported by many members of the present administration. Since that time, however, there has been a suspension of that system, and a desertion among its friends. Far be it from me to set out with imputing blame to the present administration: all I wish, is to offer them an opportunity of vindicating their characters. If they stand firm to the resolution which they then voted, "that the influence of the crown had increased, was increasing, and ought to be diminished," it is but fair that their reputations should not suffer in the opinion of the world, from the misconceptions of any set of men.

It is not my intention to enter into a

* See Vol. 20, pp. 1285, 1365.

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detailed examination of the various papers upon the table, but only to touch upon the principle capital points they contain. The first particular to which I would draw your lordships' attention, is the second report upon the subject of consolidating the different boards into one; an expedient which would abolish fifteen out of twenty five places. And I cannot but be surprised, that this resolution has never been acted upon, not only because of its importance, but also, because this report was decidedly approved of in 1782, by a vote of the House of Commons.* The reduction of expense attending such a reform would be very considerable; but this is an object comparative trifling, when balanced with the diminution of influence, as each of these places may be supposed capable of gaining a member of parliament, if he is to be so gained.

I would next call your lordships attention to the 9th report, respecting the pay of the army. The way that the army is paid, has been justly said in the report to be a scene of composition and decomposition, of mystery, ambiguity, and fraud. Instead of two simple articles, of subsistence and arrears, there are separate accounts kept for agency, clothing subsistence, Chelsea, and a number of other articles, which serve only to accumulate expense, and to bewilder those whose business it is to inquire into the mode in which the money of the nation is expended. Why a poor soldier should have so much to pay to the right, and so much to the left, it is impossible to conceive, except it be for the purpose of fraud and concealment, as a pretext of supporting a number of idle clerks, at the expense of a deserving soldiery, and to enable ministers, without detection, to apply the public money to purposes different from those for which it was voted by parliament. If this is not the case, why is not the clear and easy plan suggested by the committee adopted?—The next report to which I would advert, is the eleventh, relating to the unfunded debt, the object of which was to acquaint the people with the real extent of the burthens incurred in the course of a war, and to provide against the debt increasing more rapidly than the means of paying it. But this, like every other beneficial proposition, has been rejected by the present ministers.—In the fourteenth report respecting the patent officers of the board of customs, these gentlemen are divided into four classes; first, those that are illegal; secondly, those that are useless; thirdly, those who execute their offices by means of deputies; and lastly, such as may be consolidated. It was the object of the commissioners of accounts to abolish these needless offices, and to effect this is one of the purposes of the resolution, which I shall have the honour to move this evening. In the port of London alone, they are 61 in number, enjoying salaries of 26,000*l.* a year. The saving to the public, however, is a trivial consideration, when compared with the benefit which would accrue to trade from their dismissal. In the out-ports there are 157 persons of the same description, with salaries to the amount of 140,000*l.* The mint also was pronounced by the commissioners to require some reform, which never has taken place. After what was said likewise upon the crown lands, I should have expected some improvement on this score, or at least, not to have heard of any more grants of those lands being made to individuals.

But this leads me to a more important and pressing inquiry—the increased influence of the crown which, in my opinion, has augmented to an alarming degree. When we consider that 1,300,000*l.*, without the consent of parliament, have been spent in erecting barracks in this kingdom, which are neither more nor less than armed fortresses, what are we to think? [A cry of 'Hear! hear!'] Do noble lords cry hear! when I give them this designation? I repeat, that the barracks are nothing less than armed fortresses. Though barracks, to a certain extent, may be necessary and useful, that admission does not disprove, that to their present extent, they may not overturn the constitution. When I look at the army in all its departments, I can perceive an alarming increase of crown influence. Indeed, it seems to be the system of the present reign, to pay all attention to the army. The soldiery get any augmentation of pay from the king without the knowledge of parliament, and a variety of douceurs are given them, the credit of which is appropriated to the sovereign, but the expense is kindly left to the nation. Formerly, only the younger branches of families were desirous of going into the army; now, not individuals alone, but whole families are enlisted: the con-

* See Vol. 23, p. 119.

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sequence of which is, there is an end of all education; the books which used to be read when I came into the world, lie neglected, and the sciences are left without a votary, with the solitary exception of military tactics, which at present seem wholly to engross the attention of our youth. In case of an invasion, I would wish to see every hand armed in its defence; but I never wish to see the country thus converted into a standing army.

From the ordinaries, I proceed to the extraordinaries of the army, which, by the committee of 1782, were represented as an evil which called, in the loudest terms, for immediate correction, and that at a time when they were much more inconsiderable than they are at present. Here the noble marquis quoted the passages from the Report. Another paper he would read, extracted from the writings of a person, of whom it was only justice to say, that he treated this subject with the greatest ability. Mr. Hatsell says:—In all the different services, the navy, the army and the ordnance, there has always been an exceeding, or debt contracted upon each, which has been brought before parliament in a subsequent session, under the title of navy debt, or of extraordinaries incurred, and not provided for. Formerly these exceedings were confined within some limits. In what is commonly called the German War, in 1758, these sums first became very large; but in the late war, carried on in America, they exceeded all bounds. There was a degree of negligence or extravagance, or both, in those who had the conduct of this department, which rendered all the votes of the House of Commons, or bills for appropriating the supplies, ridiculous and nugatory. The sums demanded, upon the head of extraordinaries of the army, incurred and not provided for, during this period, fell not very much short of the whole sums voted by parliament upon estimate for that service; nay, in the year 1782, they appear to have actually exceeded them. This was such a shameful prostitution of the money of the public, that though perhaps the distance, and magnitude, and nature of the American war might be pleaded as some alleviation and excuse for the generals abroad who commanded, or for the ministers at home, who ought to have controlled those commanders; nothing can justify the House of Commons, who permitted this practice to continue, uninterrupted, through several sessions; and whose more immediate duty it was to have examined into the contracts and other services, pretended to have been performed, and to have pointed out and punished those frauds and abuses, which were afterwards, with no great difficulty, detected by the commissioners of public accounts. The general and unlimited power which was given by the resolution of the 3rd of April 1734, to the ministers, was a measure entirely subversive of the rules of parliament, and contrary to the practice which has been wisely established since the Revolution, appropriating the supplies to the services for which they have been voted. We see therefore, that this proceeding did not pass without much difficulty and debate; and that soon after another, and, so far as it was limited, a better mode was adopted, which, though it gave the ministers credit for the manner of disposing of the money voted, confined that credit to a precise and special sum. It is therefore incumbent upon the House of Commons, not only to make this supply as small as possible, but in a subsequent session to inquire into the particular expenditure of the sum granted; and to be assured that it is strictly applied to those purposes for which it was intended, and not squandered loosely, improvidently, wantonly, or perhaps corruptly.* Now, does not the noble lord opposite feel that the account of army extraordinaries on the table is liable to the charge which Mr. Hatsell so ably advances against accounts of this nature? It has required ingenuity of no mean kind, to wrap them up in that obscurity with which they are enveloped. Upon the present system of keeping the public accounts, there is nothing which may not come under the head of army extraordinaries. In these accounts I see great services performed at nominally a small expense, whereas I observe thousands upon thousands squandered upon the most trifling and insignificant objects. I received an anonymous letter the other day from the city, informing me that 40,000*l.* had been sent to the dey of Algiers. I inquired into the truth of the fact, and I find that a very large sum, though not quite to this amount, has been sent. One would think that ministers themselves would be anxious to institute some inquiry as a check upon the numerous hands which are daily

* Hatsell's Precedents, Vol. 3, p. 186.

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in the public purse; and that the country may have an opportunity of discerning between the honest man and the knave.

Another article on the list of abuses is the appointment of a third secretary of state. This is a matter which I am inclined to take notice of, when I recollect the language which was held by an hon. member of another House, when the office was abolished some years ago: "It has died in state, was disposed of with funeral honours, and was, he hoped, consigned for ever to oblivion." But now it is revived, and revived by those very men who supported its abolition. What does not such conduct put it in the power of Mr. Thelwall to say? Will he not say, that there is no dependance to be placed in any man whatever, and that there are no professions of patriotism, come from what quarter they will, in which the people are not liable to be deceived? I find, however, that though ministers have not paid much attention to the suggestions of the committee relative to the abolition of old offices and boards, they have most scrupulously complied with their ideas of the necessity of instituting new ones. In one instance, the board of naval architecture, they have acted right. I approve of the institution; and all I wish is, that it may not be converted into sinecures. The transport board I conceive to be useless and unnecessary. Transports in time of war are certainly much wanted, and that want, I experienced severely at the end of the American war; but is a board the most proper institution to secure a sufficient supply? Is there any person in the House that does not know how little business is done by a board? One active man, such as Mr. Atkinson, if you would give him confidence and time, could do the whole business much better than a board. I know the arguments in favour of boards, drawn from the check which the different individuals of which they are composed, may give to one another. But I have always been of opinion, that one man, under the board of treasury, would transact the business with much greater effect, and with equal security to the public. I mention the board of treasury, because all the public money ought to flow directly from the treasury; and instead of giving the first lord a staff, which is the present badge of the office. I would give him a knife to cut off every man's fingers that dared thrust his hand into the public purse. When I was in office, instead of employing a victualling board, I made all the contracts for meat, &c. by a confidential person under myself. This I knew might subject me to an imputation of wishing to embezzle the public money; but I despised the insinuation, and am certain the country gained by the mode of procedure which I adopted. By the abolition of this board there would be a saving of 5,000*l.* a year to the public.

But the time would fail me to reckon all the abuses which have been introduced and sanctioned by the present administration. I am tired with surveying all the contents of the Red Book, that chest of corruption. The army list, of itself an elephant, and the Red Book will soon become large enough to form a library. And all this has taken place under the conduct of two noble lords, who came into office abetting the principle that the influence of the crown had increased, was increasing, and ought to be diminished! The measures of civil regulation which have been lately adopted, present a deplorable prospect of our internal situation. When the late famous bills were before parliament, I was in the country, partly on account of my health, and partly in the idea that my attendance would be of no avail to counteract the intentions of those who brought them forward. Another bill of most destructive tendency we have reason to dread will soon be brought before us, the principle of which is to establish a government police in Westminster, and which, I am afraid, may soon be extended to the country. There is still another evil, which, from its magnitude, is great enough to swallow up all the rest—the unlimited credit upon the bank, which has been voted to the minister in a bill repealing a salutary statute of William and Mary, restricting the credit of government upon the bank, and which would have passed through the House unnoticed, had it not been for the vigilance of a noble lord (Lauderdale) whose talents and whose virtues do credit to the country from which he comes. I must beg not to be understood in any thing I say on this subject, to reflect upon the conduct of the bank; on the contrary, I admire it; and I do not believe it issues a single note, that it has not a representative for in gold or silver. As I have never been a governor of the bank, I cannot speak with certainty, nor can I even speak with the degree of certainty that

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the governor's wife could do, to whom her husband said, "Be quiet, my dear, for no person knows so much, who has not passed the chair;" but when I see the bank, so much under the influence of government, driven to the necessity of stopping its advances, I can impute it to nothing but a fear to go farther. This shews that every thing has its bounds. When people feel unconstrained they wish to try how far they can go, till at last they come to the end of their tether. In such a situation as this, alarm spreads, and the most serious inconveniences arise. I have heard, that for a ten thousand pound prize, a number of coal-heavers, the holders, were forced to give 1,000*l.* discount. I find too, that the ministers, by whom the lottery was considered a fund which was not to be continued, have made it in a manner a permanent article of revenue. By the repeal of the act alluded to, the bank is at liberty to stretch their credit to government as far as they please, and the minister, without consent of parliament, has an ample resource within his reach. The bank, on the present system, may be converted into a citadel in the midst of London, and stand in the place of parliament, between the king and the nation. On the chapter of finance I shall not now enter, as the papers are too voluminous to go through at one sitting. I shall only say that they open a more dreadful picture of our situation than it is possible for the human imagination to conceive. Frightful as bankruptcy is, and grievous as our burthens may be, there was still some hope, while our constitution remained unimpaired: when it was invaded, ruin, irresistible and irremediable, could only be our fate. The marquis concluded with moving,

"That as we see no effectual steps taken to realise those measures of Reform, for which the present ministers, at their entrance into office, stood strongly pledged to the public, or those earnestly recommended in the reports upon the table by two boards of commissioners, both appointed by parliament, it is incumbent on this House to inquire into the cause of so extraordinary an omission, as well as, Whether any new offices have since been created? Whether any old salaries have been increased on slight pretences? Whether any salaries have been granted for special purposes, and continued, though the reasons for them have ceased? Whether any warrants for beneficial grants have been directed: And, on the whole, Whether the public expenses have increased beyond the supplies annually granted by parliament?

"This, which would be a duty incumbent upon parliament, were the existing war ever so necessary, just, and successful, is become most urgent, and indispensable, in a contest at once bloody and expensive beyond example; without plan or object, except such objects as the misconduct of the war first created; attended with a waste of money, profuse almost beyond imagination, which has already reduced our trade to a dependance on the very warfare, which is fundamentally destroying it, and has so exhausted our resources, as to drive us to the wretched expedient of reviving taxes, which were a few years since repealed on the ground of thereby increasing the revenue; an effect which that repeal produced, and a policy which must therefore, on the return of peace, be again resorted to, and which will consequently bring with it the necessity of finding new taxes, if new and productive taxes can be invented in our then exhausted state.

"In a situation so alarming, and so manifestly tending to destroy the confidence of the people in parliament, which (as every reflecting man must have with deep concern observed) has for some years past, been rapidly on the decline; it behoves parliament, by a timely revival of its ancient energy and integrity, to convince the people, that their constitutional guardians are awake to the common danger, and are determined to come forward with such firm measures of public order and reform, as will effectually relieve the subject, and remedy evils, which, if still suffered to accumulate, will be past all remedy, and must inevitably terminate in public confusion."

Lord *Grenville* said, that the motion altogether, was one of the most extraordinary that had ever been brought before the House. To the principal points of the noble lord's speech he never could assent. Instead of no steps being taken on the reports alluded to, since the year 1782, it must be in the recollection of the House, that several bills were brought in upon those reports. Why was he and those who acted with him to be arraigned now for what they were alleged to have omitted before they came into office? He then proceeded to the first point

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argued by the noble marquis, the consolidation of some of the public offices of revenue. Upon this subject he would freely give his opinion, that he thought the plan impracticable, from the large increase of the revenue. The next point was the army extraordinaries, and he must remind the House of regulations made in the pay-office, both by Mr. Burke and colonel Barré which had produced much salutary reform in that department.—The next point was the mysterious manner of negociating loans, and the lottery had been mentioned as one bad part of them. It ought, however, to be known, that this was the first administration that could say the lottery formed no part of these loans. It was next said, that the unfunded debt ought to be ascertained, and that a clause in an act of parliament required it. Formerly, the navy and ordnance unfunded debt was suffered to lay over: but since that act they had always been laid before parliament within the year. The noble marquis had then pointed out many abuses in consequence of the principles in patent offices in the customs having neglected to appoint deputies. With regard to patent offices, they were held by a legal tenure, and could not be taken from the holder without compensation. Such of them as were to be abolished would be abolished as they became vacant. On the principal points, therefore, of the noble marquis's charge, one of them was impracticable; and the others were already effected. The principal object of attention which ministers had taken up, was certainly the most essential one, namely, the speedy auditing of public accounts; the best check against fraud, and which the present ministers had more credit for attending to, than any who had gone before them.—The noble marquis had stated the increase of naval expenditure in a war that had not been the most prosperous. Where had the naval war been unsuccessful? Had it not been attended throughout with the most brilliant success? The French at this moment could not put out a single frigate, that would not be brought in triumph to our ports. When the noble lord mentioned crown lands, he really had doubted where he was, or what he heard, when it was affirmed that no steps had been taken on that point, after so much had been so ably done by the person to whose management it had been entrusted. As to new grants, none had been made, nor could any be issued by law. Excepting, then, the consolidation of the revenue boards, and the arrangement respecting a new coinage, recommended in the reports, all the other objects had occupied the attention of parliament, and had already undergone a decision.—With regard to barracks, as an innovation, he would only state from the papers on the table, that by the old system there were barracks for 20,000 men, in time of peace, and by the new for 15,000 only. He wished the noble marquis had not said that it seemed to be the system of the present reign to pay all its attention to the army, he wished he had called it the system of the present government; and there was no system on which they had more reason to pride themselves. It was curious to hear objections made to men of high rank and fortune being in the army. It was the pride and glory of the times to step forward in a cause in which the happiness and safety of all ranks in society were so materially involved. The object of the army was not to check the liberties of the country, but to support a just, honourable, and necessary war. With regard to the minister having it in his power to desire the bank to advance any sum he wanted, no such thing existed. As to the finances of the country being in a deplorable state, whenever a discussion on that subject took place, he trusted he should be able to exhibit a picture directly the reverse of that which the noble marquis had drawn.

Lord *Auckland* said:—My lords; I came to the House this day, disposed and not unprepared to enter at large into the discussion of the expenses of the present war, and of the debts, revenues, and resources of the kingdom. I certainly was not singular in supposing that the mass of papers collected upon your table was meant for such a discussion. The noble marquis, however, has thought proper to confine himself, for the present, to observations respecting the reduction of certain offices, the mode of paying the army, the simplifying of loans, the abolition of patent places in the customs, the new barracks, the appointment of a transport board, and a present of money supposed to have been made to the dey of Algiers. I would not intentionally undervalue propositions coming from so high a quarter, and liable in their nature to be considered as fit objects for the attention of parlia-

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ment. But surely, my lords, when the points alluded to are compared with the extensive interests and expectations of the day, I may be permitted, with all due respect to the noble mover, to borrow an expression of his own, and to say, that he has called upon us "to make a great account of small matters." Be this however as it may, I do not mean to enter into any of the particulars in question. Whether they are matters of charge, or of inquiry, and whatever may be their intrinsic value and importance, they have already been forcibly and fully answered by the noble lord who spoke second in the debate.

The noble marquis closed his speech with a wish that all discussion of the finances, and of the general situation of the kingdom, might be postponed to a subsequent day. I could have acceded to that intimation readily and without reserve, if the noble marquis had confined his motion to the same limits within which he confined his speech. But, my lords, there are expressions in that motion by which I feel myself irresistibly impelled to stand forward, and to call for your most serious attention. It is proposed to us to declare: "That our trade is reduced to a dependance on the very warfare, which is fundamentally destroying it, and has so exhausted our resources as to drive us to the wretched expedient of reviving taxes which were a few years since repealed, on the ground of thereby increasing the revenue; an effect which that repeal produced, and a policy which must therefore again be resorted to on the return of peace; and which will consequently bring with it the necessity of finding new taxes, if new and productive taxes can be invented in our then exhausted state. That in a situation so alarming, and so manifestly tending to destroy the confidence of the people in parliament," "it behoves parliament by a timely revival of its ancient energy and integrity, to convince the people, &c." I will not quarrel, my lords, with the exhortation to "a timely revival of your ancient energy and integrity:" The deep respect so justly felt towards you by the whole british empire places you in a point of view paramount to such insinuations. I am only concerned that the noble marquis, possessing in so eminent a degree all the powers of language, should have been hurried into the adoption of a phrase which, on better reflection, he must disapprove. But, my lords, I strongly object to the other expressions, as purporting to convey to the public (and that too without any proof or previous inquiry) a parliamentary declaration, grossly injurious to ourselves, deprecating the national credit, disheartening to the nation, and encouraging to our enemies. I feel it a sacred duty incumbent on me to resist, as far as God has given me faculties to resist, the tendency and mischief of such an impression. Under the influence of this sentiment, it shall be my endeavour to state our actual situation to your lordships. It would not be my wish, even if I had powers to accomplish it, to lead you into opinions more favourable than the truth will justify; but I am strongly desirous that our situation should be seen as it really is; and I embrace, with earnestness, the occasion of exhibiting it in a fair and full point of view. I shall accordingly read to your lordships one of the papers which I had prepared for the expected debate of this day: "A comparative view of certain public circumstances in the respective periods of 1783-4 and 1795-6," submitting upon each article such remarks as I conceive to be material. I have selected the year 1783, as having been the first of the last peace; and certainly I take no advantage in comparing with a first year of peace the fourth year of an unfinished war. It is the epoch from which the trade, revenue, and resources of this country have risen, gradually and progressively, to their present unparalleled height, without any interruption from the circumstances, magnitude, alarms, and expenses of the present war: a war, my lords, far more dangerous than that which we sustained against the united efforts of France, Spain, Holland, and North America: a war in which our enemies are entirely exhausting their capital, and expending even the whole value of their soil; and in which they have sacrificed their finance, commerce, and population, in the vain hope of finding the means of our ruin.

The first article relates to the public funds: "The price of the 3 per cent. consols, January 27, 1784, was 55*l.* Ditto, May 2, 1796, 66*l.*" Such is the difference of the price of funded property, in favour of the present period, in a country described by the motion to be reduced in trade, exhausted in resources, without confidence in its government, and approaching to public confusion. In contemplating this difference, we shall

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derive additional satisfaction from recollecting that it has arisen notwithstanding the pressure resulting from an addition of at least 110 millions, which have been funded since the first period, for discharging the out-standing debts of the last war, and for providing for the expenses of the present war.

The next article to which I request your lordships attention is the comparative price of India stock; "The price of India stock, January 27, 1784, was 121*l*. Ditto, May, 2, 1796, 209*l*." It is no contradiction to the conclusion which I mean to draw from the difference of those prices, that the dividends of the company have been raised since the first period. If the dividends had not rested on the solid ground of great and increasing prosperity, they would only have contributed, after a certain interval, to depress the stock instead of raising it.

I proceed to the consideration of our imports and exports. "The total value of imports in 1783, 13,325,000*l*. Ditto in 1795 (including prize goods, to the amount of 907,000*l*.), 22,175,000*l*. The total value of exports, in 1783, 14,741,000*l*. Ditto in 1795, 27,270,000*l*." I take the occasion to remark, that this great increase in our export trade has been almost regularly progressive, from 1783 to the present year. But an ignorance of that circumstance, in the minds of some observers, led to strange conjectures, when the valuation of the last year's exports was made public. The supply of clothing and provisions to our army was assigned as having contributed to swell the account; but those articles were sent in the king's transports, which take no clearances from the custom-houses, and consequently formed no part of the total before stated. It was a notion equally ill-founded, that bullion was included. As far as I have been able to analyse the account, I can venture to say, that it is composed of a proportionable increase in the several articles of produce, manufacture, and foreign merchandise, which ordinarily compose our export trade. And here also I should remark, that the real value of the british manufactures exported, in general greatly exceeds the valuation stated in the inspector general's accounts. The exports to Germany rose last year to the value of eight millions sterling. This alone is a strong instance of our increasing commerce. For though it must happen, for obvious reasons, that in all wars our exports increase to countries in the neighbourhood of the enemy, that circumstance will not account for the great rise in the exports to Germany: the rise is much more than equal to the average annual valuation of our whole export trade, in time of peace, to Holland, Flanders, and France, collectively.

I am next to submit to your lordships the most important criterion of our commercial prosperity; I mean the comparative exports of British manufactures, and also of foreign produce. "Value of British manufactures exported in 1783, 10,409,000*l*. Ditto in 1795, 16,526,000*l*." Here then we find, in the last year (a period of war), compared with 1783 (a period of peace), an increase, to the amount of six millions sterling, in the exports of British manufactures: and this from a country stated, in the motion, to be exhausted in its resources, and driven to "wretched expedients!" "Foreign produce exported in 1783, 4,332,000*l*. Ditto in 1795, 10,743,000*l*." Here also we see an increase to the amount of six millions sterling. I admit that it may have resulted in part from the ruin of the commerce of our enemies, and from the possessions of which we have deprived them; but it is not the less an instance of our comparative prosperity. In the increase of our imports we find a remarkable proof of the flourishing state of a principal manufacture: "Cotton wool imported on the average of five years in 1783, 5,000,000lbs. Do. in 1795, 30,000,000lbs." And here it should be observed, that though our cotton manufactures have made and are making so rapid a progress, it appears by the most satisfactory evidence, that the woollen, iron, pottery and other principal trades, are greatly increased, for the purposes both of home consumption and of exportation; and that the silk manufactory, which it has been apprehended might be annihilated by its rival, the cotton, has not fallen off. "In 1783, the raw silk exported was 675,000lbs. In 1794, it was 683,000lbs." I mention this article with peculiar satisfaction, as connecting the prosperity and increase of our manufactures, with the prosperity and increase of those immense possessions in the East, to which every day is adding some new security and some new and permanent extension. "Value of British merchandize exported to the East Indies in 1783, 621,921*l*. Ditto in 1795, 2,229,444*l*."

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I am led by the subject last mentioned to state, in the next place, the nett revenues of the East India Company above the charges. Having been the chairman of the committee appointed to inquire into the affairs of the East India Company in 1784, I may be allowed to say, with some degree of confidence, that at that period the Company possessed no nett revenue above the charges; on the contrary, that the charges exceeded the revenue. At present, by a system of accounts annually laid before parliament, the accurate statement of which is fully established by the experience of several years; "the nett revenues of the different settlements of the East India Company amounted in 1795 to about 2,600,000*l.* The amount of sales for East India Company's goods for 1783, was 3,363,800*l.* Ditto for 1795, 6,191,894*l.*"

I must now, my lords, request your attention to the prosperous statements of our navigation, which I have to lay before you. "Total number of British ships which entered inwards at the ports of Great Britain, or cleared outwards. Inwards. — 1783, vessels, 7,690; tons, 812,960.—1795, vessels, 10,174; tons, 1,262,568. Outwards. — 1783, vessels, 7,729; tons, 870,270. — 1795, vessels, 10,133; tons, 1,164,910." Though the increase in the number of British ships is here so large, yet it would have been still larger, if the circumstances of the war had not required a considerable proportion of merchant ships to be employed in the transport service, and compelled us, to a certain extent, to make a temporary use of foreign bottoms. The progressive increase of our mercantile shipping, may be more clearly shown by the accounts which have been kept under the Register act, best known by the name of the noble lord who introduced it. As that act was not in full effect till the year 1789, I cannot extend the comparison to an earlier period. But here let it be remarked, that in 1789 we were indisputably in a state of high prosperity and of peace; and yet since that period, if we extend our views to the whole of the British empire, we shall find that our increase, both in shipping and tonnage, has been in the proportion of about sixteen to fourteen. "Total number of vessels belonging to the British empire, 1789: vessels, 14,310; tons, 1,395,074; men 108,962.—1794: vessels, 16,802; tons, 1,589,162; men, 119,194."

I now come to a general comparative statement of our Finances at the respective periods in question, beginning with the amount of the permanent taxes: "Amount of permanent taxes on a three year's average to 5th January 1784, 9,876,000*l.* Amount of the same taxes, after making allowances, as far as they can be calculated, for the intermediate changes and arrangements of the revenue, by taxes imposed in 1784, 1785, 1786, and 1789, as well as for the profit gained by the consolidation of the customs and excise duties, on a three year's average to the 5th of January 1796, 12,381,000*l.*" Exhibiting, amidst the failure of resources, and the disastrous circumstances ascribed to us by the motion on the table, an increase of nearly one-fourth in the actual produce of the identical taxes of 1783, to many of which the weight of new imposts has since been added.

The next object is the amount of the unfunded debt. "Navy debt outstanding and unprovided in December 1783, 15,510,767*l.* Navy debt outstanding and unprovided on 2nd May 1796, only 2,300,000*l.*," being little more than the floating navy debt in 1791, a period of acknowledged prosperity and profound peace. I would not be understood here to conceal that there existed in last December a navy debt to the amount of near 11,000,000*l*, which was not funded; but, for a large proportion of it, taxes had even then been provided. The recent discharge of a part of that debt for the purpose of facilitating public credit, is at once a proof of our resources, and of the wisdom and energy which have distinguished parliament in all the exigencies of the present war.

The next account which I shall mention to your lordships will be that of the Bank advances, in order to show that the idea of our being aided by extraordinary anticipations is without foundation:

"Bank advances, April 5th, 1783, 11,279,000*l.* Ditto, May 2nd, 1796, 11,132,000*l*; of which last sum provision has actually been made for funding 5,030,000*l.*" A farther striking contrast of public circumstances in the periods compared will be seen in the following statement: "Amount of outstanding demands, and floating and unfunded debt in January 1784 (exclusive of two millions to American sufferers, the debentures for which have been annually paying off, and will this year be discharged

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within 80,000*l.*) 27,000,000*l.*" I have no sum to place in opposition to this. Estimating the debts actually outstanding, and throwing into the opposite scale the whole supplies for which taxes are already found, I may state that certainly there is no outstanding balance of debt unprovided for at this day; such and so efficient have been the measures adopted and pursued for preventing an accumulation of unfounded debt! If, indeed, the estimate were extended to January 1797, the conjecture would be utterly uncertain. The result must depend upon the extent of the navy debt, and of the extraordinaries of the army to be incurred in the course of the present year; and it is possible that the outstanding debt might then amount to six or seven millions.

Adverting to the sinking fund, I have nothing to state under that head in 1783. There did not then exist the means of a sinking fund. On the contrary, there was a deficiency of revenue, to the amount of at least 2,000,000*l.*, below the peace establishment, supposing it to have amounted to fifteen millions. Very different is the statement for the 2nd May, 1796. At this day the sinking fund is above 2,400,000*l.* (without taking credit for 200,000*l.* annually voted in addition.) And I am prepared to show, whenever a proper occasion may arise, that, exclusive of so large a sinking fund, which is hourly augmenting itself, there is, by the actual established taxes, even under the absurd supposition that they will not be more productive in peace than they are in war, such a balance of revenue as, together with the aid to be expected from the East India participation and the lottery, will furnish one million annually, beyond the peace establishment above stated of 15,000,000*l.* over and above the interest for the additional debt incurred by the present war. If it should be objected that the future peace establishment would necessarily exceed the supposed amount; still the suplus which I have stated would be applicable to it, in the whole or in part, without any interruption to the progress making in the discharge of the debt. I am aware that such a necessity may arise; but on the other hand the favourable contingencies of peace may be expected to give a proportionable increase of revenue. In a word, my lords, if my computation is accurate, there will remain a surplus of 1,000,000*l.* (beyond the sinking fund and its growing produce), over and above all charges, applicable to such services as our position on the return of peace may make expedient.

With respect to the sinking fund, your lordships will recollect that the annual million, set apart in 1786, is to be inviolably applied to the reduction of the debt, till the accumulation, with other accessions and expiring annuities, shall amount to 4,000,000*l.* a year, from which period there will revert annually to the disposal of parliament, taxes equal to the interest of whatever part of the national debt may be repurchased by the application of four millions a year. Your lordships are farther aware that the other branch of the sinking fund was established in 1792; in consequence of which, an addition of one per cent. of the capital is now provided, for the gradual discharge of every new debt created. In other words, a most salutary system has been introduced, by which the increase of revenue is required to be greater than the charge of interest to be paid for new loans; and that increase at the rate of the loans made in the present war has amounted to about one-sixth of the whole charge. Thus it is that 750,000*l.* a year of the taxes voted in this war are applicable not to the expense of the war, but to the reduction of the new debt incurred; which will discharge the whole of that new debt (estimating the rate of money at four per cent.) within a period of forty-one years, when a farther disposable income of 4,500,000*l.* a year will revert to the public. About nineteen millions of capital are now redeemed by the operation of the sinking fund set apart in 1786. Six millions more will be redeemed in about three years, and the five per cents will then be redeemable. The reduction already made is more than three times as great as the whole reduction that was effected in the period of peace between 1763 and 1775. It is an important result of this system, that the whole of the perpetual annuities are in effect converted into annuities for terms of years, varying as to the course of redemption from fifty-four to thirty-nine years; and it is found in the progress of this operation, that the daily and increasing payments for the capital redeemed, have the most beneficial effects in money transactions and upon public credit.

I abstain from entering into the consideration of the expenses occasioned by this

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war comparatively with former wars, or of the productiveness of the taxes, or of their tendency to bear more or less heavily on the bulk of the people. I shall be ready to discuss those subjects at a proper time; not, however, as an advocate for war. The noble marquis cannot see the inconveniencies and difficulties of so extensive a war as the present with more concern than I do. But I see also the necessity of that war, and therefore I derive great consolation from the sense and conviction which I entertain of our ability to support it And surely it is most important not only to appreciate fairly our own strength and resources, but to show that we may look forward with a well-founded confidence to the farther use of that strength and of those resources, if the perverseness of the enemy should make it expedient for us to employ them. I shall close this comparative account by a striking and important statement. "Amount of revenue (including the land and malt) below the computed expenditure on a peace establishment of fifteen millions, 1783, 2,000,000*l.* Ditto, above the computed expenditure on a similar peace establishment, with the addition of increased charges for the debt incurred by the present war, 1795, 3,400,000*l.*" If we compare the excess of 1796 with the deficiency of 1783, the difference of revenue in favour of the latter period will be 5,400,000*l.*

Your lordships cannot fail to have remarked, that all these objects converge in a remarkable manner towards the same conclusion; and that coincidence is an irrefragable proof that they all spring from the same source, the real prosperity of the country. If there is any inaccuracy in my statements, I am persuaded it is inconsiderable, and certainly it is not intentional. Facts, such as these, my lords, greatly outweigh all the declamations that the genius and eloquence of mankind can produce. I shall leave them therefore without comment; they sufficiently enforce themselves. They are unequivocal proofs of the resources of the kingdom: no man can look with an unprejudiced eye at such statements, and not perceive that this country has increased in prosperity even under the pressure of the war. To what, under the protection and favour of divine providence, shall such prosperity be ascribed? To our naval superiority and successes; to our conquests in the East and West Indies; to the acquisition of new markets; to the enterprising spirit of our merchants; to the improvements of our manufactures; to the energy of our countrymen in arts and in arms; to the union of liberty with law; to the national character cherished by, and cherishing, the principles of our inimitable constitution; that constitution, which it has been the object of our enemies to destroy by means and efforts utterly destructive to themselves; that constitution which it is the great purpose of our struggles in this just and necessary war, to preserve and to maintain.

The Earl of *Lauderdale* warmly supported the motion. He said he would in the course of a few days call their lordships attention to the state of the finances, at which time he should animadvert on the statement just made by the noble lord, in which he had said that, reckoning our future peace establishment at 15,000,000*l.* there would be a surplus of 3,400,000*l.*, of annual revenue. He would be bound to prove, so far was this from being the case, that a very great deficiency would take place.

The motion was also supported by lord Moira, and opposed by earl Spencer, lord Hawkesbury, and the lord chancellor. After which, the House divided: Contents, 9; Proxies, 3—12. Not Contents, 72. Proxies, 32—104.

Debate on Mr. Grey's Charges against Ministers relative to the Expenditure of the Public Money.] May 6. Mr. *Grey* said, that to those who reflected upon the unexampled power which the present ministers possessed, and the little disposition the House discovered to inquire into any part of their conduct, it might appear a vain endeavour to bring against them any charge of mal-administration, especially such a charge as would form the ground of articles of impeachment. Aware as he was of these difficulties, he felt it his duty not to allow the House to separate, without drawing their attention to a few plain, intelligible points of the highest importance. He would call upon them to examine the public expenses; he would demonstrate to them that ministers had grossly misapplied the money of their constituents, and had been guilty of a flagrant violation of the laws of the land, to conceal which they had laid before the House, an account of the distributions of the various grants, which he would prove to be completely false. A minute atten-

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tion to the public expenditure was the most important duty which the House could exercise. The power of the purse was the best security for the liberties of the people, and the House could not allow it to be encroached upon without betraying their most sacred trust, and renouncing their most valuable privilege. If the House was aware of this, and was anxious to maintain the privileges they had received from their ancestors, they would, by a proper application of them, confirm the transmitted right, and deliver it entire to their posterity. The charges that he meant, on this occasion, to bring against ministers would reduce themselves to one plain, simple, intelligent proposition, namely, that they usurped a power to beat down and contravene law, by disregarding grants of the legislature, and applying the money so voted otherwise than was directed and designed by the vote. He called therefore solemnly on the House to declare whether in the plenitude of ministerial authority, they meant to include this dispensing power, which held at nought the injunctions of law, and either disobeyed, or acted in opposition to them, as opinion or design might suggest? Such was the matter of charge that he felt himself bound to produce, in its nature so clear and significant, that every man must understand it, and feel himself compelled to admit the conclusion he meant to draw. If they found the money of their constituents misapplied, would they suffer it to pass unnoticed? If they saw the law openly violated, would they insist upon no satisfaction? If they found the principles of the constitution outraged, would they express no indignation and demand no atonement?

The instances upon which he was particularly to dwell, were selected from a great many others which he might have taken up; but he had confined himself to these on account of their plainness and simplicity. They were such as all might understand, and the inferences from them were such as all who understood must acknowledge. He had not brought forward the incapacity ministers had evinced, the failures they had incurred, nor the multiplied disasters, which in the course of a ruinous war, had pursued them. He would not comment upon their gross mismanagement of the public money where the application was within their discretion; but he would confine himself to three distinct charges.—First, that ministers had violated the express stipulations of an act of parliament called the Appropriation act, by applying grants to other services than those for which they were designed and voted. Second, That they had presented false accounts to the House, in order to conceal that infraction of the law. And, lastly, that they had violated the act for regulating the office of paymaster of the forces. He requested the House to observe, that there was an act passed every session after the grants for the use of the year were made, by which certain sums were appropriated to certain services, and which ministers were prohibited to divert to any other purpose. With this solemn act of parliament, the House surely could not allow ministers to dispense. The grants for the army, the ordnance, the clothing, the pay of general and staff officers, were subject to the distribution expressly provided in the act. By a paper upon the table, he would show that the act had been disregarded. By an account laid before the House on the 21st of April, it appeared that the money issued for the clothing of the army, was not applied to that purpose, and that there was due to several colonels or commanding officers of his majesty's forces, the sum of 644,106*l.* 7*s.* 6*d.*, for nett off-reckonings and clothing for the years 1794 and 1795, and the sum of 146,900*l.* 12*s.* 4*d.*, to general and staff officers, for 1793, 1794, and 1795, and the sum of 34,313*l.* 13*s.* 3*d.*, to governors and lieutenant governors for the years 1794 and 1795, though these sums were strictly appropriated by act of parliament. It also appeared from the account alluded to, that the sum of 31,056*l.* 3*d.*, due to the general and staff officers of his majesty's forces, for the year 1784, was paid out of the grants made for the year 1796. There, he said, was the act of appropriation; let the House read it; and there also were the accounts, which ministers themselves had laid on the table; let them read them, and then compare one with the other.

Much as ministers were accustomed to explanation and excuse, he could not but conceive that it would be difficult to answer the imputation arising from these facts, which could not be disputed. Under these circumstances, the House would not, he thought, be soon satisfied, or put up with vague explanation and trivial excuse. It was a direct and glaring breach

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of law, proved by documents produced by those against whom the charge was made. No species of convenience could surely be admitted as an adequate excuse, nothing less than an imperious necessity would amount to such a defence; nor, under the present circumstances, would that amount to a justification. Even supposing they were influenced by that overruling authority, they were bound to come as early as possible to the House, and state the necessity by which they had been impelled, and had asked for a bill of indemnity. But how had ministers acted on the occasion? They had endeavoured to conceal the infraction of law by deceiving the House; and by a false account, calculated to impose, they had increased, instead of diminishing, the enormity of the original offence, the wilful infraction of a positive law. It might be said in defence, that all former administrations had followed the practice, and that they were justified by uniform precedent. That the pernicious practice of extending the public expense beyond the sums voted upon estimate, had sometimes prevailed, was true, but nothing without the reprehension of parliament. In 1711, by a resolution of the House,* a practice of the present nature was reprobated as an invasion of the rights of the House, and expressly condemned. It was said, however, that extraordinaries were unavoidable; but if the proposition was admitted, it was to be qualified by the degree in which they were really necessary. When a fair account of past expenses was stated, and a tolerable estimate formed of future services, the necessity of extraordinaries would in a great measure be superseded. He would ask, whether the minister, with a vote of credit to the extent of 2,500,000*l.* might not have made such an estimate of the demands of the public service, as would have left little to be answered by extraordinary expenses? The sum required for extraordinaries was not only in itself necessarily limited by the degree in which good management and prudent foresight would require it, but also by the precedents of former times. In the reign of queen Anne, when the army was conducted by a person not much distinguished for economy, and with a continental war wide and expensive, the extraordinaries scarce exceeded the sum of 200,000*l.*

* See Vol. 6, p. 1025.

Might he not ask, then, if the practice of extravagant charges on the head of extraordinaries had not extended of late without the consent of parliament? A person of high credit coolly reflecting upon the subject in his closet, says, in his book of precedents, that during the American war nothing could exceed the negligence of the House in not limiting the sums charged under the head of extraordinaries.* Yet, however, respectable this authority might be, he could produce still higher, that of the committee of the House appointed to investigate the public accounts. In 1782 the committee stated the sums for extraordinaries as extravagant beyond necessity; and, comparing the different circumstances of both periods, there was nothing in the present that could require a higher sum for extraordinary services. But the practice of charging extravagant sums on this head was arraigned by the right hon. gentleman himself at the end of the American war with the utmost severity; yet now his adherents were fain to defend him upon those precedents which he had so vehemently reprobated. A defence like this, however, would little avail with the House. It was said, that money must sometimes be taken from the estimated services, to be applied to urgent services. This justification, however, only amounted to this, that when money was to be diverted, it was necessary to come forward and apply, to the arrears so incurred, the extraordinaries of the next year. But, in the present instance, the original deviation from the rule had not been atoned for even in this manner; for it appeared from the account on the table, that great sums were still due to general and staff officers and governors of garrisons, for the year 1794. Upon the principle of the justification pleaded, these sums should have been defrayed by the extraordinaries of the next year. It was to be seen, likewise, whether the same thing had not occurred in the year 1795? By papers upon the table it appeared, that, up to the 21st of April 1796, for the quarter preceding, eight millions of the grants of the current year had been expended; and still these arrears remained due up to the present period.

It was in its nature impossible to set up a justification for a breach of an act of

* See Hatsell's Precedents, Vol. 3, p. 187.

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parliament made on purpose to restrain ministers in this very instance, other than that of an imperious public necessity. In that case, if it had occurred, ministers were bound to come to the House, and lay the whole matter before them: and if they would allow the necessity set up, they would follow it with an act of indemnity. From these fundamental propositions, he concluded that the defence set up, supposing it true, neither justified nor excused in the present instance, where no disclosure of those circumstances had been made to the House, from which, on the contrary, the fact itself had been carefully concealed, and false statements presented. The defence of ministers for the misapplication of the sums appropriated by acts of parliament was not valid, therefore, upon their own principles; for which reason he would, on this head, submit to the House the following resolutions:

1. "That at all times, and under all circumstances, it is the indispensable duty of the House of Commons vigilantly to superintend the expenditure of the public money, and strictly to enforce the application of the grants made by parliament to the service for which they have been voted.

2. "That by an act passed in every session of parliament, the particular sums granted for each particular service are specified, and the money that shall be paid into the exchequer is appropriated to their discharge; and that it is strictly directed, that such aids and supplies shall not be applied to any use, intent, or purpose whatever, other than the uses and purposes mentioned in the said act.

3. "That it appears from an account presented to this House on the 21st of April 1796, that the sum of 644,106*l.* 7*s.* 9*d.* was then due to the several colonels or commanding officers of his majesty's forces, for nett off-reckonings and clothing for the years 1794 and 1795, although by acts passed in 1794 and 1795, money was granted to discharge the same; and although the said acts direct that the money so granted shall be applied in discharge of the same, and not otherwise.

4 "That it appears from an account presented to this House on the 21st of April 1796, that the sum of 146,900*l.* 12*s.* 4*d.* is now due to the general and staff-officers of his majesty's forces for the years 1793, 1794, and 1795, although, by acts passed in the said years, money was granted for payment of the said sum; and although the said acts direct that the said money so granted shall be applied in discharge of the said sum, and not otherwise.

5. "That it appears from an account presented to this House on the 21st of April 1796, that the sum of 34,313*l.* 13*s.* 3*d.* is now due to the several governors, lieutenant governors, and other officers of his majesty's forces and garrisons in Great Britain, and parts beyond the seas, for the years 1794 and 1795, although, by acts passed in the said years, money was granted for discharging the said sum; and although the said acts direct that the money so granted shall be applied in discharging the said sum, and not otherwise.

6. "That it appears from an account presented to this House the 21st of April 1796, that the sum of 31,056*l.* 0*s.* 3*d.* due to the general and staff-officers of his majesty's forces, for the year 1794, was paid out of grants for the service of the year 1796, although, by an act passed in 1794, money was granted for discharging the said sum; and although the said act directs, that the said money so granted shall be applied in discharging the same and not otherwise."

The next part of the resolutions regarded the application of sums granted for the service of the year 1796, to the arrears of services in 1794 and 1795. In 1784, lest a dissolution of parliament, which was expected, should take place before the act of appropriation was passed, the House resolved, "that any minister misapplying the funds at that time granted, should be guilty of a high crime and misdemeanor." This resolution was consistent with the true principles of the constitution. The application of the grants of 1796 to retrospective services was an evident violation of the spirit of the House in voting the supplies; and the original fault of which they had been guilty, ministers had followed up with a still farther violation of the law. He would therefore upon this point move,

7. "That it appears from an account produced to this House on the 21st of April 1796, that the sum of 172,100*l.* due for off-reckonings, to the 24th of December 1794, and which remained due on the 21st of January 1796, was discharged out of the vote of credit granted for the express purpose of defraying expenses that may occur in 1796, although by an act passed in 1794, money was granted for

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discharging the said sum; and although the said act directs that the money so granted shall be applied in discharge of the same, and not otherwise."

Other acts had also been equally violated. In 1782 an act * was passed for regulating the office of paymaster-general of the forces, which being inefficient, was repealed, and a new one was passed. This act was intended both to remedy the evils arising from balances remaining in the hands of the paymaster-general, and to secure the regular payment of the army; and this, too, had been openly violated. In the first account of the application of the vote of credit of 1796, the sum of 430,200*l.* had been issued to the paymaster-general, of which a balance of 83,300*l.* was still in his hands. The House had been informed, on a former occasion, that this money, though stated in the account, was in reality sent to the bank, where the balance remained. Being suspicious of the information which ministers might think fit sometimes to give in that House, he had made inquiries of a person well qualified to tell him, and he had discovered, that in reality, the sum alluded to, had been put into the hands of the paymaster-general himself, and with him the balance was lodged. The provisions of the bill were explicit, that all sums issued for the payment of the army, should be sent to the bank, and there paid by drafts from the paymaster-general, distinctly specifying the service in which it was incurred. This provision had not been complied with; for the money had been first issued into the hands of the paymaster-general himself, and with him the balance remained. Such was the fact. And as the conclusions were too obvious to require argument, there he would leave it for the determination of the House. With regard to the accumulation of balance in the hands of the paymaster-general, the act provided that the sums appropriated for the clothing of the army, should be issued periodically; it was, however, proved by the account on the table, that from midsummer 1794, to December 1795, no money was issued for this service, and part of the arrears were discharged from the supplies of the current year. Whatever might be thought of the minister's defence, as to his violation of the account of the Appropriation act, here he would be forced to recur to a new ground of exculpation. Since it was passed, public affairs had been conducted by no other minister; there was no example to plead, no precedent to sanction. Ministers had, in open defiance of the act, withheld the money from the service to which it was destined, and endeavoured to discharge the arrears by the supplies of the current year, without attempting to account for the application of the sum originally diverted. He would propose,

8. "That it appears to this House, that by an act passed in the 23d year of his majesty's reign, for the better regulation of the office of paymaster-general of his majesty's forces, it is enacted, that no money for the service of the army shall be issued from his majesty's exchequer to the paymaster-general of his majesty's forces, or shall be placed or directed to be placed in his majesty's hands, or possession; but the same shall be issued and directed to be paid to the governor and company of the bank of England, to be placed to his account.

9. "That it appears to this House, from an account produced on the 22nd of April 1796, that, in open contempt and defiance of the said act, the sum of 430,200*l.* has been issued directly to the paymaster-general of his majesty's forces in exchequer bills on the vote of credit for 1796; and that a balance of 83,300*l.* was remaining unissued in his hands on the said 22d of April 1796.

10. "That it farther appears to this House, that, by the said act, the paymaster-general of his majesty's forces is directed and required to form his memorials and requisitions to the treasury, and to issue his drafts upon the governor and company of the bank of England, upon the 24th of June and 24th of December in every year, in equal payments, to such person or persons as have a regular assignment from the several colonels, lieutenant-colonels, commandants, majors, and captains commandant and captains, for the monies appropriated for the clothing of the non-commissioned officers and private men of his majesty's regular forces.

11. "That it appears to this House, that the sums of money appropriated for the cloathing of his majesty's regular forces, and which, according to the provisions of the said act, ought to have been issued on the 24th of December 1794, the 24th of June, and 24th of December

* See Vol. 24, p. 299.

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1795, had been directed to other purposes, and still remained due on the 1st of January 1796, in open contempt and defiance of the said act."

With regard to the disposition paper, the practice of laying before the House such a document had originated in the extravagant reign of Charles 2nd, and had been adopted and established at the Revolution, when our liberties were fixed, and was intended as a real account, for the information of parliament, how the supplies were employed. This paper he now arraigned as completely false. It might be said by the minister, that his predecessors had not been very careful to render this paper an exact account of the application of the public money. This was at all times a bad defence; but what was the House to think of the present minister resorting as a justification to precedents which he had been the foremost to condemn, and abuses which he pledged himself to remedy? The paper stated that the sums voted for the army, clothing, staff, &c. had been issued and applied, when none had been issued on this account, and when that branch of the service was still in arrear. The House, indeed might be told, that this paper was merely a form; that it only contained an account of the sums issued from the exchequer: and that under this form the paymaster-general received from the treasury the sums required; but were they tamely to acquiesce in such a defence? would they endure that the minister should apply the public money as he thought proper, in defiance of solemn enactments of the legislator, or that he should abolish the regulations which the wisdom of the constitution had deemed necessary to maintain the vigour of its principles, and secure the purity of its administration? Instead of thus insulting the understanding of the House, instead of imposing upon them a false and fraudulent account, the minister should have made atonement to the spirit of the constitution, had necessity driven him from the strict line of conduct which it prescribed, and by a bill of indemnity satisfied the demands of its violated laws. He would therefore move,

12. "That it appears that an account is annually presented to this House, showing how the money granted for the service of the preceding year has been disposed of, distinguished under the several heads, and the parts remaining unsatisfied, with the deficiency thereupon.

13. "That such account was intended to be, what in its title it professes to be, a real account, showing how the money given for the service of the year had actually been disposed of, in order that the House of Commons might be informed of the state of the public expenditure, and satisfy themselves as to the application of the money voted to those services for which it had been granted by them.

14. "That an account of the above description has been presented to this House in each of the years 1794, 1795, and 1796, in which the money granted for the services of each year is stated to have been applied to the services for which it was voted by parliament, although it now appears, from accounts since presented to this House, that the sum of 644,106*l.* granted for off reckonings for the years 1794 and 1795; the sum of 146,900*l.* granted for the pay of the general and staff officers of his majesty's forces for 1793, 1794, 1795, the sum of 34,313*l.* granted for the pay of the several governors, lieutenant-governors, and other officers of his majesty's forces in Great Britain and parts beyond seas, for the year 1794 and 1795, and severally stated to have been disposed of for those services still remain unsatisfied.

15. "That, in the instances above mentioned, his majesty's ministers have been guilty of presenting false accounts, calculated to mislead the judgment of this House, of a flagrant violation of various acts of parliament, and of a gross misapplication of the public money."

Here, then, he would at present leave the consideration of the subject. He had laid before the House an important case for their decision. They were now to determine whether they would enforce the act of appropriation of the public revenue to its proper service, and preserve the spirit of their laws in the strictness of their application, or allow the dispensing power of a minister to supersede the authority of the law, and the discretion of the executive power to supplant the wisdom of the constitution.

The first resolution being put,

Mr. *Pitt* said, he was happy in being afforded an opportunity of discussing, regularly and precisely, certain topics which had been loosely thrown out at other times, when business of importance press-

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ed upon the attention of the House. However strong the points which the hon. gentleman had urged, he hoped he should prove to the satisfaction of the House, that, conceding as much as he should afterwards state of the principle, conceding also most of the facts, it would still be impossible for the House to draw that conclusion which the hon. gentleman had proposed to the House to draw, by his present resolution. If the resolution stated an indisputable truth, the question then would be, whether it were expedient to record that truth. That it was the duty of the House to superintend the expenditure of the public money, he did not deny; but that it was the duty of parliament to enforce the application of it to the letter of the act, required the command of a retrospective authority, which the House had not the means of enforcing, and this he proposed to show under the examination of the several heads of the hon. gentleman's arguments, in the manner he arranged them.

With respect to the act of appropriation, he agreed that it contained a strong clause, which passed every year, and which enjoined, that no money granted by parliament should be applied to any other purpose than that for which it had been granted. He agreed that the act did apply, in binding and specific terms, to the regulation of the payment of navy and army services; of the navy, by stating its services under the head a general fund; of the army, under various and distinct heads. He admitted also, that ministers, in the management and payment of army services, did not attend to the minute subdivisions particularly mentioned in the act of appropriation; but only generally took care, that no more should be issued for the army out of the supplies in the course of the year, than the total amount of the sum for which general credit had been given That this was a deviation from the strict letter of that law he admitted; it was a deviation in the particular subdivisions of the army services. Gentlemen should however recollect a fact, for which he contended, namely, that the act had been precisely in the same form, in every year since it had passed in the reign of George 1st. They should recollect, that something of the same nature existed in the reign of king William; and that so early as the reign of queen Anne, it was deviated from in as strong a degree, in regard to the principle, as during the present war. This had been mentioned by Mr. Hatsell, and by him in a great measure justified, because the nation was then engaged in a war of great extent, with services in all parts of the globe, and it was impossible to foresee what might be the amount of all the various expenses.

The question, then, which the House had to consider was, whether it followed, from the particular breach of the act, which he admitted in certain instances, that the present ministers deserved the imputation of criminality which the hon. gentleman had stated; and whether their conduct called for the censure of the House? Undoubtedly, every deviation from an act of parliament was, *primâ facie*, criminal; it did not, however, follow, that there was no palliation, or justification, of that deviation from the law. It was an easy task to make a charge of the present nature. It was only necessary for a gentleman to point the attention of the House to the letter of the law, and when the deviation from it should be admitted, he would immediately have recourse to condemnation; but surely the hon. gentleman would allow the persons charged to ask, whether the deviation were wanton, or arose from necessity? Secondly, if the deviation were new and unprecedented, or whether it were founded on ancient practice? Or, thirdly, whether it were clandestine, or done with an intent to deceive the House; or whether it was wrong under its notice, and sanctioned by its decisions? He would first consider the necessity of the case. It had been admitted, that some extraordinaries could not be avoided in time of war. The hon. gentleman had said, that the question was only as to the degree; but if there was ever a time when extraordinaries were allowable to a large extent, it was the present. If extraordinary services were unavoidably incurred in the course of a war, and from their nature could not be provided for, nor foreseen in their amount nor in their time, they must, when they were performed, be paid for. How, then, was the money to be paid, but by withholding some of the payments of the services regularly estimated and voted for; which, according to the strict act of appropriation, ought to be applied to the particular services only for which they were voted? This was simply the whole of the case, as far as it related to the principle; and from the times of

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king William and queen Anne, a full century, there had not been a year of war in which extraordinary expenses had not been incurred, which had not been previously provided for by parliament; nay more, for near half a century past, there had not been one year of peace in which extraordinaries had not been paid, and by that means the act of appropriation violated. With respect, therefore, to principle and necessity, he had not much farther to urge: if it were possible to have only as small extraordinaries as those of former times; if it were possible to have no extraordinaries at all in time of peace; still, it was impossible that a case could be put, in time of war, when the public service could be wisely or prudently conducted consistently with the strict letter of the act of appropriation.

Thus then he had already stated the practice: he had said, that in years of peace universally for half the present century extraordinaries were incurred. He was willing to allow that the practice existed formerly in sums far short, but, however, in sums not so small as the hon. gentleman stated; for instead of 200,000*l.* he would find, that in war in the reign of queen Anne, between 300,000*l.* and 400,000*l.* were incurred in the article of extraordinaries for the army. In the war of 1740 and 1741, which terminated in the peace of Aix-la-Chapelle, extraordinaries had been also incurred to a great amount. In the German war they had considerably increased; and in the American war, that line of service had increased to a much larger extent than it had ever done before. But although the sum of 400,000*l.* may not, in a comparative scale, appear large; yet, if gentlemen would take into the account the comparative value of money in those times, when considered with its present value, they would perceive that there was something more to be deduced than mere precedent. During the administration of Mr. Pelham, when the finances of the war were directed by a person who had been trained for other great, eminent, and important stations, who filled with honour, dignity, and respect the chair of that House; it would be found that the expenses were paid in a way different from that which was expressly mentioned in the act of appropriation; and the ministers of that day were equally justified by the necessity of the public service. He did not, however, wish to rest upon the silent acquiescence of parliament in the practice of neglecting the letter of the act so often mentioned; there occurred a marked and particular instance in which he had the recorded judgment of parliament on that subject. The members of the administration of that day had a vote of censure proposed against them for the payment of an extraordinary service, and the vote was proposed in terms not very different from the resolutions of the present day. On the 19th of March 1744,* during the administration of lord Wilmington, notice was taken in the account of extraordinaries, of a sum to the amount of 40,000*l.* for the purpose of putting the Austrian troops in motion, under the command of the duc d'Aremberg. In the motion proposed to the House, it was stated as "a dangerous misapplication of public money, and destructive of the rights of parliament;" the merits of the motion were not then decided on, for the previous question was moved and carried on a division; but the papers were produced to prove the importance of the services performed; and on the 10th of April 1744, the motion was again urged, when an amendment was offered for leaving out the words "that the expenditure of that sum was a dangerous misapplication of the public money," and substituting the words "that it was necessary for putting the said troops in motion, and of great consequence to the common cause." The House divided upon the original question, when the Ayes were 145, and the Noes 259, and the father of the right hon. gentleman opposite (Mr. Fox) was teller for the Ayes. So it happened, that this practice, which the House was now called upon to brand as criminal, had been avowed and recognized every year. Would gentlemen pretend to say, that the extraordinary service could wait for payment until the subsequent session? extraordinaries, which consisted of bills of exchange drawn from abroad, payable at a certain time, at the expiration of which they must positively be discharged. If, therefore, for 50 or 60 years past there were extraordinaries incurred contrary to the letter of the various acts of appropriation; if the House had been so far a party to those transactions, as to sanc-

* For an account of the debates which took place upon these occasions, taken from the MS. Parliamentary Journal of the hon. Philip Yorke, see Vol. 13, pp. 675, 698.

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tion them, by their votes to make good the payment of these extraordinaries, from the accession of George 1st to that day, would the hon. gentleman condemn ministers for doing that which parliament had constantly done? Would he, instead of placing the charge upon the House, lay it on those, who merely carried measures into execution which were recognized by the legislature? It had also been the practice of individuals connected with the hon. gentleman. A right hon. gentleman near him (Mr. Fox), who had once been in office, and now made one of that formidable opposition ranged over against him, knew something of the practice of extraordinaries; he did not mean to state that the right hon. gentleman had a situation which made him particularly responsible in matters of finance; but as in the present motion the hon. gentleman thought fit to shift the charge off his shoulders as chancellor of the exchequer, and to place it conjointly on him and his colleagues in office, so the practice of extraordinaries, on the same principle, would form a charge against that right hon. gentleman whilst in administration, though he was not chancellor of the exchequer. In the general words of the present motion, there was an excess of candour for which the hon. gentleman was entitled to his thanks, as it gave him a right to bring the right hon. gentleman, not as his judge, but as a witness to bear testimony on his behalf, to prove that in 1782 and 1783, when the two persons were paymasters-general who brought in the act relating to the pay-office, there were extraordinaries to the amount of many millions voted and paid. Thus had he a living witness of the practice in the person of his opponent. He had one witness, however, more singular than all the rest, not a living, speaking authority, but a dumb, a dead one—the act of appropriation itself. That act contained, in the body of it, a sum to make good deficiencies arising from the payment of extraordinaries.—He would also recite in his vindication the Pay-Office act, which was brought in by Mr. Burke after the report of the committee in 1782. The report had stated, that the practice of incurring army extraordinaries ought to be put an end to; and the act stated the precise time and form, in which the paymaster-general was to keep an account of the extraordinary expenses not provided for by parliament.

How, then, did the question stand? He had proved it to be the practice for above a century of ministers, living and dead; and recognized by the act on which the charge was founded. Although he admitted that the successful and undeniable defence was the necessity of the case, yet there were different ways in which the practice of extraordinaries had been recognized. During the first seven years of his administration there was no subject which brought on more hostile debate than the finances; they were discussed on the side of those who attacked his opinions, with great vigilance and perseverance. In 1786 and 1791 particularly, debates arose on the peace income and expenditure, and so far was parliament from shutting its eyes to the extraordinaries of the army, that in each of the committees of those times, there was to be found an estimate of their probable amount. But while he appealed to the practice of his predecessors, as a justification for incurring extraordinaries, he declared, he did not mean to deny that they had greatly exceeded their estimate: he allowed, that, partly from a fluctuation in the prices of various articles, partly from the impossibility of foreseeing many expenses which he afterwards found it necessary to incur, and partly, he was ready to allow, from errors of calculation, there were left above the estimate large and heavy extraordinaries; and he not only felt it himself as a disappointment, but it might also be stated as matter of disappointment to the House and to the public.

He next came to the comparison of the amount of extraordinaries unprovided for by parliament, as incurred in the present war and in the American war. The hon. gentleman had declared them to be greater than those of any other war that was ever known. Two reasons, the extent of the war abroad, and the dearness of provisions at home, he had given, why they should be so. Certainly, the vote of credit must be deducted from the extraordinaries in the present war, because they were foreseen and provided for; that formed a great deduction. The taxes were also funded before-hand for the loan of exchequer bills. There was another sum to be deducted. In the calculation of the peace establishment by the committee, 280,000*l.* was the sum named as the probable extraordinaries; that sum, he contended, was foreseen also by parliament, and he had a right to deduct so much yearly dur-

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ing the war. If, therefore, subject to all those deductions, the extraordinaries were calculated fairly, they would amount to the sum of 4,600,000*l.* only during the present war; and as all the extraordinaries of the American war were wholly incurred without the previous consent of parliament, they might be stated to amount to 9,100,000*l.* exclusive of the votes of credit. There was therefore a balance in favour of the present war, and against the American war, of 4,500,000*l.* incurred in extraordinaries. — Having taken leave of the extraordinaries of the army, he would make a few short comparisons in the other services. In the course of the present contest, it had been his practice to anticipate as much as possible all the services to their full amount. During the years of the American war, there were in navy and ordnance bills, 12,000,000*l.* incurred without the authority of parliament, and not made good at the end of each year; whereas, the practice had been, in the present war, to anticipate as much of the expenses as possible, or to make them good at the end of the year, and not to leave them as a total deficiency at the end of the war. The total amount of the deficiency of the navy and army, and of the unprovided of the ordnance, amounted in the three years of the present war to 16 or 17,000,000*l.*, and in the American war, the deficiencies of these three services amounted to the enormous sum of 23,000,000*l.* He trusted he had proved to the satisfaction of the House, that the extraordinaries could not have been defrayed by any other means than those to which it had been found necessary to have recourse. He viewed the army money in the light of a current fund; and it could not be controverted, that the demands of the current year were to be provided for in proportion as the sum for extraordinaries came into the exchequer, and therefore he conceived, that no deviation from the principle could be implied in any instance which the hon. gentleman had mentioned farther than the constant practice warranted.

He next came to consider the act for the regulation of the pay-officers, the violation of which had been so vehemently urged: the spirit of that act related to the issuing of bills by the paymaster-general, and which the hon. gentleman contended should be issued by the bank of England. When the hon. gentleman talked of the information which he had received from a person in office, he either could not have understood the nature of that information, or did not reason on it in a just manner. The fact was, that the warrant was strictly conformable to the letter and spirit of the act of parliament. The bank was to keep open a cash account under the direction of the paymaster-general, and it was generally understood that the bank would never charge themselves with any thing but cash. In consequence of that idea, when the exchequer bills were issued by warrant, and came into the bank, they sent one of their officers to acquaint the paymaster, that they could not, according to their system, receive them as cash. The bills were, therefore, disposed of by the paymaster-general, not for the purpose of profit, but merely as a matter of necessity. Some time after, his hon. friend near him (Mr. Steele) proposed to the bank an arrangement, by which the bank were to take the bills as cash: to that arrangement the bank had acceded. Such was the exact state of the transaction; and he should leave it to the candour of the House to decide, with what justice any blame could attach to a measure completely unavoidable. There had been in no point of view the slightest deviation from the meaning of the act, and the vigilance of the paymaster was entitled to considerable praise.—He next came to another charge which went to criminate ministers for deviating from the letter of the act; but if he were to be condemned by the letter of the act, he was perfectly warranted in saying that it could not, in the least, apply to him. There was not one word to be found in it, which directed, that the payments should be made on a particular day; therefore any deviation from the strict letter could not be inferred. The act of parliament certainly directed the paymaster-general to form his memorials in the names of the persons who were interested in them, and in answer to the charge of the day of payment being omitted, as specified by the act, he should only remark, that the paymaster had no knowledge of the persons interested; it was consequently evident, that the memorials could not have been made out exactly against the day of payment, as the names of the parties were not ascertained. He would therefore submit, whether the paymaster was not under such strong and positive circumstances, at least excuseable with respect to the

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spirit of the act.—The hon. gentleman had proceeded to another objection, that when the memorials were presented for payment, the treasury had not, according to the direction of the statute, complied with the demands of the parties interested. To that, he trusted, he could give an answer, which even to the hon. gentleman himself would appear satisfactory. He grounded it on the plea of necessity: for at the time when the memorials were presented for payment, there was no money in the treasury. Perhaps, however, the hon. gentleman would ask, why the treasury had not provided the proper sums to answer demands which they knew were to be made on them? He should answer that question, by pleading the statements which he had formerly made on the same subject. The extraordinaries were of such a nature, that it could not be foreseen to what sum they might exactly amount; if they consequently exceeded any sum at which they had been previously calculated, they could not be otherwise provided for, than by taking from the establishment those sums which were necessary for defraying them. It should also be considered, that the extraordinaries were indispensable branches of the public service, which could not be carried on without the most rigid punctuality in the payment of them.

He should say a few words on the subject of the application of the vote of credit to past services, which the hon gentleman considered as a proceeding for which ministers exposed themselves to blame. In direct opposition to the hon. gentleman, he would maintain, that the application of the vote of credit to past services, was not only proper, but just and necessary. Did the hon. gentleman mean to say, that the army money was not to be used for extraordinaries, and did he propose to establish it as a true proposition, that the exchequer bills were to be disposed of, and paid at a great loss, for the purpose of coming within the act of parliament? If that was his meaning, by such a system the public would suffer in a most material way, for government could not, according to that statement, dispose of money then in their hands, for the payment of extraordinaries, while, to the vast prejudice of the public interest, they would be obliged to part with exchequer bills at a considerable loss, and that to answer the very purpose for which they had already in their possession sufficient sums of money. Did the hon. gentleman call that measure economy? Was that a part of his plan for the public retrenchment?—He next came to the charge of falsehood in the disposition paper, which the hon. gentleman had so strongly urged. There had never been, he maintained, from the accession to the present moment, any disposition paper laid on the table of the House, which was not equally liable to the same charge as that brought forward by the hon. gentleman against the present disposition paper. During all that period the same kind of paper had been laid before the House, without any variation. Gentlemen would, therefore, judge with what justice the hon. gentleman could make a charge against ministers of wishing to deceive parliament. The paper had been signed during the present reign by Mr. Speer, the clerk of the revenue, a gentleman of great respectability, and was laid on the table of the House as a matter of course; and so little did he conceive it to be an object of any consequence, that he had not at any time mentioned a word on the subject matter of it to the gentleman whose office it was to sign it. If, therefore, the hon. gentleman considered the paper as guilty of falsehood, he trusted he would acquit him of any share in that weighty charge. The hon. gentleman had set out with declaring that the statements contained in the paper were fallacious, and calculated to mislead the judgment of parliament; but it so happened that there was not one word respecting any particular statement to be found in any part of it. The title of the paper was in itself a refutation of what had been urged on the strength of it. It was an account of the sums of money expended for the public services in the year 1795, to March 1796, and was disposed under the several heads. It was liable to be taken in two senses: the first was, with regard to the items respectively applied, and so the hon. gentleman took it. But there was also another interpretation to which it was liable, and the hon. gentleman would find that it contained a distinct statement of the various heads of service which usually occurred in public accounts, such as navy, ordnance, land forces, &c. It was unquestionably true, that it took notice of every item of expense, and drew a total of the whole under the column of sums granted, and then gave separately the

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sums granted and the sums paid; but the hon. gentleman had not, with his usual acuteness, observed, that it had only mentioned the items in general terms; for unhappily for that very material part of his charge, and on which he so much relied, instead of any sums being annexed to the items, there were only to be found opposite to them perfect blanks.—He had now gone through the different heads of charge advanced by the hon. gentleman, and had given such answers as appeared to him decisive upon the subject. He concluded by observing, that though he might not have much to expect from the candour of the hon. gentleman, he had every reliance on the candour and conviction of the House.

Mr. *Fox* said, he had listened as attentively as he could to the very able speech of the right hon. gentleman. What struck him first upon reviewing that speech was, that the right hon. gentleman had made great exertion where there was the least occasion for exertion, in point of real argument. Where his hon. friend who had made the motion, had dwelt the least, there the right hon. gentleman had been the most elaborate in his answer. Where his hon. friend had been the most forcible, there the right hon. gentleman had been the least explicit. The part on which the right hon. gentleman had been the most successful, was that which went simply to state, that the whole which had been done by administration, against the letter of the law, was the result of necessity. On this he had justified the whole of his extraordinaries. Now, if any gentleman had heard the defence, without having heard the accusation, he would have thought that the accusation was merely the incurring of any extraordinaries at all, not that they had been incurred improvidently, or that they had been withheld improperly from the House, or that when incurred or provided for, the money voted for them had not been applied to their discharge. With respect to army extraordinaries, he would say, in a general way that, to a certain degree, they were evils unavoidable. He said this without diffidence, because extraordinaries had been recognized by the House of Commons, precisely under the description which he was then giving of them. The minister himself had admitted extraordinaries to be an evil, but had contended that they were necessary. This was the answer which he gave to that part of the charge, although, by what he had said, he had admitted them to be, to a certain degree, contrary to the principles of the constitution. He must, therefore, contend, that these practices, which partook of an unconstitutional nature, ought to be avoided as much as possible. The right hon. gentleman had maintained, that if the expenses of the year exceeded what the executive government had foreseen, and that in matters which required immediate payment, we must pay that service which had that necessary demand upon us; and when that necessity demanded it, we must so far obey the act of appropriation. Undoubtedly, this would always be true, if it was to be argued generally, as the minister was pleased to argue it now; and this sort of argument would be applicable to any other law, as well as the Appropriation act, inevitable necessity being an answer to every thing. This certainly, taken in its full extent, would apply to any act of parliament, as well as the Appropriation act. It would, in short, apply to every thing as a general rule, and only be subject to some particular exceptions.—The right hon. gentleman had alluded to the case which was debated in 1744, where the House had inquired into the disposition of 40,000*l*. Upon that question the House had determined, that the conduct of the executive was deserving of praise, instead of censure. He had no doubt of the regularity of that determination. Had he been a member at that time, he believed he should have voted in the majority upon that occasion. What principle did the agitation of that question inculcate? It showed us this, that 145 members of the House of Commons of that day, thought that the slightest deviation from the letter of the Appropriation act deserved to be censured. But what was the accusation here? Not that the payment of a particular bill drawn should not be made, when that became necessary for the service; such an accusation his hon. friend was incapable of making; but that the extraordinaries had for a long time been studiously concealed from the House. It had been stated, that in a book, which he admired as much as any one did, and also in the report of a committee of that House in 1782, the extraordinaries of the American war were censured. They certainly were so. The right hon. gentleman had stated that the extraordinaries were very great in that

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war, and that administration could not now be blamed for these extraordinaries, any more than they were at that time. But, the case was widely different between the condition of that administration and the present. However desirable it might be to put an end to extraordinaries at that moment, it was absolutely impossible. Was the case the same with the right hon. gentleman? Indignant as he professed himself to be at the amount of these extraordinaries, coming into power upon these principles, and presiding in the government of the country during seven years of peace, one would naturally have expected, that in this particular at least, there would have been some radical reform; instead of which, the present minister laid before parliament accounts of extraordinary expenses which far exceeded any that were ever incurred by his predecessors. The right hon. gentleman had talked of our extraordinaries being no more than four million in three years. The fact was they exceeded that amount in this very year; and upon this part of the subject the right hon. gentleman had made for himself deductions which he did not allow in his calculations to lord North. —He next proceeded to observe that the minister had that day defended himself by referring to the American war, the practice of which they had all reprobated, and the right hon. gentleman most of any, this was a little singular, but however, so it was, and the House would do well to observe it. The right hon. gentleman had taken up considerable time upon this, and he was sorry he had imitated him in that respect, for the point was too clear to require much argument. The great matter to be explained was, how did it happen that when the House had voted sums for extraordinaries, that these sums were not applied to the purposes for which the House thought they were intended? That the services were not paid for as provided? He wished to know why they were delayed after they were provided for? He wished to know in particular why the payment of the cloathing of the army had been so long delayed, and that contrary to the express direction of the act of parliament passed for that purpose? Why! the right hon. gentleman would say, because money allowed for that purpose was applied necessarily to other services. Surely, however, that complaint should not have existed an hour after the vote of the next, which included all these allowances, and made up all these deficiences. How did the minister answer this? By acknowledging a system which tended to bring our finances into a state of greater confusion than any man in this country had ever thought of before. The system of the right hon. gentleman was, that new votes for old demands should, at the discretion of the executive government, be applied to the discharge of still newer demands, so that to the uncertainty of the application of money voted by parliament, there was to be no end. How was it possible to come to any clearness in practice upon such a system? What excuse could there be made for such confusion? Why not apply money in general to the purpose for which it was specifically voted? The extraordinaries were generally voted early in the session. At least he was entitled to ask, why we did not pay off arrears of former years, for which sums had been specifically voted?—To put this point in another way, the minister should hereafter candidly declare, that although he called on parliament to vote a sum of money for a particularly described purpose, he nevertheless meant to apply it to another. He heartily wished that there might come a system by which they should understand directly what it was they were doing. That, if necessary, the House might vote so much occasionally for the deficiency of supply of each preceding year under that head specifically. Although this would appear extraordinary, he could not help thinking it would be a considerable improvement in the mode of transacting the business of the public. They would then annually see how much the preceding year was deficient, and clearness was essential in the transacting of business. That, therefore, instead of voting any extraordinaries, there should be voted sums to satisfy all demands for services, the payments of which had not been fulfilled on account (to make use of a favourite expression of the minister) of the diversion of former services. It would be better to do so at once; for that in substance, although not in letter, they had been a long time doing. That would not be a more substantial disobedience of the law than the present practice, and it would be accompanied with the advantage of being more intelligible to the public.—On what principle was it, that instead of settling our arrears, they left those arrears standing on account of the necessity of settling

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new demands? Let the House see to what this practice would lead. The minister said that new demands were often more urgent than arrears. Granted. The vote of credit was exhausted. These new demands might be stated to the House, and then they should provide for them as they occurred, instead of postponing the payment of arrears, instead of distressing those who accused them of that shameful and scandalous mode of conduct. These arrears fell heavy on the persons to whom they were due first; afterwards on the executive government, and finally heavy on the mass of the people, who must bear the whole of their load eventually. If some regulation was not adopted upon this, where were they to end? The minister said, that these were extraordinary services for which it was necessary to appropriate money in preference to other services of last year. If the fact were so, he must observe, that, unless some regulation be made of this, new services would follow one another, so that the House of Commons, or the people, could never know that the money was applied to the purposes for which the law required it to be applied. Besides the perpetual confusion which such arrangements must produce in our accounts, how was parliament to know where this system would end? We might go on perpetually contracting debt, and perpetually voting extraordinaries for past deficiencies, but which were applied to new demands leaving always the arrears unpaid.

Having said thus much on the violation of the Appropriation act, he came next to the consideration of the Paymasters' act; which, he contended, had also been most positively and unnecessarily broken. If the bank would not receive the exchequer bills, which it was admitted they had a right to reject, why did not government issue money in another way for the purpose for which these bills were issued? They afterwards, it seemed, came to some arrangement with the bank; but supposing that this arrangement had never taken place, to what situation would they have been reduced? Had the bank, or had it not, a right to refuse these bills? They certainly had. They did refuse them for some time; the consequence of which was a breach of the act of parliament. And if this arrangement had never taken place, ministers would have been precisely in the situation of doing for a longer time, what they actually did for a short time, and then the inconvenience to the public would have been prodigious.

He then came to the disposition-paper. He had listened very attentively to what the minister called an explanation of that subject, and he must confess that he did not hear any thing that appeared to him to excuse or palliate the minister's conduct upon the subject; of what was in itself a breach of a positive law without a just cause for it. It was said, that it had been the constant practice of the House to violate the Appropriation act: that a committee had reported its disapprobation of the breach of that act, but that as parliament had never done any thing against the mode of appropriating money to the discharge of the extraordinaries from time to time, they seemed by that silence to admit there was no possibility of preventing the abuse. He would not then question the validity of that reasoning. He owned, however, it appeared to him to be at least doubtful. It seemed to him to be a little hasty, to say that parliament had made no law against this practice with regard to extraordinaries, and that therefore they did not disapprove of the practice. But when parliament had declared, as decidedly they had done, that it was contrary to the principles of the constitution, they must be supposed at least to think that the existing laws were sufficient, if properly enforced, to remedy the evil. But, said the right hon. gentleman, parliament, by making no provision to prevent these extraordinaries encroaching on the Appropriation act, showed they connived at it. He would grant the minister the whole force of this argument. If parliament were of this sentiment, the more force there must be in the acts which they had really passed, and which were declaratory of their sentiments on this subject, because those who connived at some abuses, must surely be well convinced of others before they prohibited them. Thus, by relying on what they had not done, the right hon. gentleman had given double weight to what they had done in the way of prohibition. What had they said on the clothing of the army? When parliament despaired, if the minister pleased, of adopting any general regulation against extraordinaries, they declared certain things must be done, and ordered a strict and literal observance with regard to the clothing of the army. For this purpose they directed the paymaster to make certain memorials at certain times;

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that he should draw such and such bills, and that payments should be made on certain stated times. The minister stated upon this point (to show he could state something on that subject) that this was not a charge on the treasury, nor on him in his official situation. To this he would observe that his hon. friend did not complain of him particularly, but of ministers generally, upon this subject, and therefore there was nothing in the distinction of the chancellor of the exchequer, upon that point.

Here, however, he must complain against the ministers, who every day acted contrary to law, and that not a law made at a time when the subject of it was not well understood. The minister said, that this was an act with which it was impossible to comply; that it required a memorial to be presented when that was impossible. Be it so. That it required the payment of money when it was not in the possession of executive government. Be it so. But it was an act of parliament framed when the right hon. gentleman was himself a member of that House, and active in the passing of the act (although that was not material). But this was not an old act of parliament. formed when the business of the executive government was not understood, as it is by his majesty's ministers. It was a modern act of parliament to prevent those very abuses which, he contended, not to be within the spirit of the Appropriation act. When the minister considered the supply of the year, ought he not to take care he had considered the law of the country? Ought he not to observe the positive injunctions of an act of parliament which he himself took a share in framing? Or was this all? What were they to say of an act of parliament that was made so as to be impossible to be obeyed, or its provisions complied with? Did the minister say that the provisions of this act were difficult in times of war? That it was an act of parliament, in which it was impossible to proceed at all times? Did the minister come to the House, and complain of an act of his own making? Did he complain that it was wholly impracticable in time of war? That was the time for which it was principally made. What reason had the minister to complain of this instead of complying with it? In the years 1794 and 1795, he did not comply with it. He seemed to leave the act as a monument of the inefficacy of parliament; a monument of the motives of a man who only aimed at gaining a little popularity; for which he seemed to favour a popular act, but with which, after it was passed, he did not mean to comply, nor did comply when afterwards he came into office.

The character of men in that House had from many events been questioned and suspected from time to time for the last forty years; and he was sorry to say that many things were done, that had a very unfavourable effect on many characters in the course of that time. He would not say, although he felt much, what might be thought upon that subject in consequence of what had happened within the last two years. These things should be recollected by that House. They concerned the members of it nearly. The more especially when certain doctrines which he had lately heard were to be maintained by the minister of executive government. Much had been thrown out (he was not now inquiring whether right or wrong) against the conduct of sir Robert Walpole, and it was said in his time that man professed what he did not mean to practise. That charge, he feared, was much more just now than it was then. Men had some time ago so reprobated the conduct of others, that they had gone so far as to say it was impossible to make part of an administration with them. What did they do now? Only say to the people we will bring in acts of parliament to amuse the public in which things that are theoretically right are maintained; but when the authors of them have gained a little popularity, they disobey the provisions of such acts, and make speeches on the impracticability of them. He knew not what influence there might be in that House; this, however, he knew, that it was impossible for that House to have the confidence of the public, if they did not take care that ministers obeyed acts of parliament, instead of talking of the impracticability of them, when called upon to obey them. The minister, to do him justice, had said that a great deal of explanation was due to this subject. The misfortune was, that he did not give that explanation. By the explanation which he had given, the act of parliament, to which he had at last alluded, would be null and void; because it never could be told when the right hon. gentleman would be able to calculate exactly what would be the expense of the year; and till that time he had assumed a dispensing power

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with regard to the provisions of the law. He agreed with the minister, that to over calculate the expense of the year would be disadvantageous to the public. He agreed, too, that the very best system was, to make the estimate as great and the extraordinaries as little as possible. Upon that point he had often complained before, and he complained then, that the minister had not done his utmost. An evident instance in the case of the barracks presented itself. The minister himself had said, that it would have been more regular to have given to the House of Commons an account of them in the first instance; and yet those ministers who pleaded guilty in the instance of barracks, told the House that in every other instance they had done better than their predecessors.

Having said this, he must observe upon the general outline of the subject before the House, that, in his opinion, a vote of credit was better than extraordinaries; first, because you provide in the former for the interest of the debt you incur; secondly, you do not, by a vote of credit, disobey a positive act of parliament, in complying with such vote. He must again desire to know, whether extraordinaries might not be voted immediately after they were incurred when parliament were sitting? What advantages were there to be expected, in a financial point of view, to say nothing of the principle, if extraordinaries incurred this day were to be voted immediately by the House? How stood the case, when compared with the clothing of the army, which was required by law? He wished to know why the minister did not provide for them at once, if necessary, by a vote of credit? The right hon. gentleman said that his votes of credit bore a greater proportion to the expense than in former wars, and yet he would defray expenses of this year out of money voted in the last. He would ask, why the vote of credit ought not to be increased, rather than the service of last year should be unpaid? The right hon. gentleman had stated a number of suppositions. He said he could not know the extent of the estimates of the service altogether, or the time they would each of them occur. Certainly. He said also, he could not estimate when the supplies would come in; the most certain in that respect were, the land and malt; another was the case of the exchequer bills; and most of all, was the period when the loan was to be paid. Granted. But, what occasion had they to suppose when they were talking of facts? One loan came in so early last year, that it was argued that a possible inconvenience might arise from the circumstance; that the loan might come in before they had use for it; and that it would be lying dead upon our hands, while they were paying the interest first. At this very period, ministers were proceeding in direct disobedience to the act of parliament, and they were scandalously in arrear to the army. Then he would say again, the minister had no occasion to have recourse to supposition while he was furnished with facts upon the subject.

With respect to this year, nine million had already been expended in the army. He would leave the House to judge what they were likely to do next year. As to the question, what was the blame of the executive government? He would say there was much indeed, under all the circumstances, in the disobedience of the law, in their proceeding without informing the House of what they were doing, and what was the situation of the country. Had he then any difficulty in saying that this was a great misdemeanor on the part of administration, and one that called for the public judgment? Most certainly he had not. It seemed, however, that the right hon. gentleman thought of securing himself by precedent. The right hon. gentleman had heard of the case of the earl of Macclesfield, who, in many respects, was a worthy character. But how stood the case upon the trial of that nobleman? What was said by the wisest men of that day upon that occasion? That precedent of similar conduct in others ought not to prevent the pronouncing of judgment upon guilt; he would therefore say, that although precedent might be pleaded to prevent a rigorous judgment, yet it was no justification of the breach of the law. On the Paymasters' act, he would say no excuse could be offered, for there was no precedent for its breach. It was an act of parliament recently made after full consideration of the subject; an act which all men were bound to obey, and the minister more than any other, on account of the share he took in framing of it. The minister had, however, wilfully, wittingly, wantonly, and unnecessarily, disobeyed it; and he could not help saying, that administration, by such con-

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duct, had made the act a sheet of waste paper. He defied any man to show what the act was good for, if the minister's defence was just. The minister said it was inapplicable to a time of peace. This should have been stated to the House long ago. If that was really the feeling which the minister had upon the subject. He would again repeat, and he was sorry to be obliged to repeat, that ministers had knowingly, wittingly, wilfully, and according to their own statement, unnecessarily, set this act aside, and made it a sheet of waste paper. Heartily agreeing with his hon. friend, in all the facts he had stated, he should most cordially vote for the motion.

Mr. Steele having moved, "That the other orders of the day be now read," the House divided:

Tellers.

Yeas	Mr. Jenkinson - - - Mr. Neville - - - -	209
Noes	General Tarleton - - Mr. Randyll Burch - -	38

So it was resolved in the affirmative.

Debate on Mr. Fox's Motion respecting the Conduct of the War with France.] May 10. Mr. *Fox* rose and addressed the House to the following effects:—It having fallen to my lot, Sir, both at the commencement, and in the course of the war, to trouble the House with several motions which have not been honoured with their concurrence, and having last session proposed an inquiry into the state of the nation, to which the House did not think proper to assent, it may be thought by some, perhaps, to be rather presumptuous in me, again to call their attention to the same subject. And I confess that if some events had not occurred during the last year, rather singular in their nature, I should have, however reluctantly, acquiesced in the former decisions of the House, after having entered my solemn protest against the plans that were adopted, and avowed my strong and complete disapprobation of the whole system of measures that has been pursued. There certainly, however, have happened, during the last year, some events, which must, in no inconsiderable degree, have tended to alter the sentiments of those with whom I had the misfortune to differ, as well as to strengthen and confirm the former opinions of those with whom I have the honour to agree. The event of great importance, and to which I particularly allude, is the negotiation at Basle, and the notice which has been given of the negotiation with foreign powers. As I shall have occasion to comment upon this transaction more fully hereafter, I shall only say at present, that notwithstanding all the applauses that have been bestowed upon it, the result cannot fail to draw the attention of every thinking man to the present posture of public affairs; it must call the attention of every man who is not determined to act blindly (a description of persons, of which I hope there are none in this House), to the situation of the country, and that line of conduct which the government ought to follow. For one thing that we have learned is, whether ministers have acted wisely or not (no matter which for our present purpose), that we have no immediate prospect of peace. It signifies but little, whether the obstacle may have arisen from the unreasonable demands of the enemy, or the mismanagement of his majesty's ministers; but of this we are assured, that we have no prospect of peace), an event much to be lamented, but more especially in the present circumstances of the country), and that it is not in the power of those who are entrusted with the administration of public affairs to obtain terms from the enemy, which they dare to offer to the nation. Whatever may be our opinions of the causes which have led to this situation, we must all be agreed as to the effect; and none, I presume, will dispute that our situation is worse than it was at the period when, either by conquest or concession, we had a prospect of approaching peace.

Having stated this point, upon which there can be no difference of opinion, I shall go into a detail of those circumstances which, in my mind, have reduced us to the situation in which we are now placed. I know the language which has been held by the executive government on former occasions of a similar nature, and the language which may be used by the executive government on the present, because it is its interest to use it, is, that it is not our business to inquire into the causes of the evil, but into the best mode of remedy. If these could be separated, I admit that the conclusion would be just, but as long as man remains the same, I contend that there is no mode of extricating ourselves from danger, but by retracing the circumstances by which we

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have been involved in the difficulties of which we complain. The first thing then to be done, is, to take an impartial review of past events, which have led to the situation in which we now stand, that the country may be enabled to take steps to extricate itself from the situation into which it has fallen. I shall, therefore, rather look retrospectively than prospectively, and in that retrospect I shall not go farther back than the American war. Most members present will recollect the calamities which befel us in that contest, and also the terms of peace which in the end we were constrained to make; terms which I shall not argue at present, whether it was or was not for the advantage of the country to accept, in the circumstances in which it was then placed. Many will also recollect the discussions which took place in the course of that war, and the constant argument which on all occasions was pressed from the ministerial side of the House, that we ought to look not retrospectively but prospectively; that when the House was on fire, the question was not how the fire was kindled, but how it could be most speedily and effectually extinguished. The argument which we opposed to that was one founded upon solid principles, and one which the House listened to at last; that a consideration of past errors would lead to future amendment, and that a change of measures would lead to a change of circumstances. And I appeal to fact, whether the truth of this argument was not confirmed by experience. As long as we declined going into a retrospective inquiry, the war continued, and our misfortunes increased; but from the moment that the House adopted a resolution to inquire into its past errors, measures were put into a train by which peace was obtained, and the national prosperity restored.

Before we go into particular inquiries, let us first examine whether erroneous maxims of policy have not been adopted, and whether the principles which have been acted upon are not fundamentally wrong. There is an argument, which has been used by an ancient orator, the greaest orator that perhaps the world ever saw, which, in my opinion, is not inapplicable to the present situation of this country. Demosthenes uses this brilliant, and, in my opinion, no less solid than brilliant argument, in the introduction to one of his noblest orations. When he observed the conduct and the fate of the Athenians, and compared their calamities with the mismanagement of their rulers, this mismanagement so far from being a cause of despair, he directly stated as a ground of hope. "If," said he, "they had fallen into these misfortunes by the course of natural and irremediable causes, then, indeed, there would be reason for despair; if, on the contrary, they are the fruits of folly and misconduct, it may be possible, by wisdom and prudence, to repair the evil." In the same manner I would argue on the present occasion. Had we not fallen into our present situation, from plans ill formed and worse executed; if every minister had been wise, and every enterprise ably executed, then, indeed, our state would have been truly deplorable. But if our policy has been erroneous and our measures ill conducted, we may still entertain some hope, because our errors may be corrected, and the losses from our misconduct retrieved. I have often had occasion to employ this argument, and I know it has been said in reply, that the argument is good when carried to an extreme, but that the natural imperfection common to every man renders it inconclusive in any other case. But when the misconduct was of such a nature as to be capable of being remedied, when the mismanagement was such as ought to be avoided, it showed that the argument was true in a degree, as well as true in the extreme. This I state as a motive against despair; and I contend, that upon the face of the thing, when we compare the situation to which we are now reduced, with that which we held four years ago, there is ground for presumption, that the change has been in a great measure owing to errors in the conduct of those who have had the management of public affairs. In a survey of the past, the period to which we are naturally apt to recur, is the period of the commencement of the war. If we could consider in one debate every particular of the external and internal situation of the country, and more especially the effect which the measures that have been adopted have had on its constitution, we might go farther back; but this would involve a detail too extensive for the discussion of a single night, a field too large for the capacity of the speaker.

I shall begin, Sir, with the opening of the budget in 1792, when a most splendid

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display of the situation of the country was given by the minister, without alluding to any prior or subsequent statement; and I take that day because it was a day on which this statement was more to his own satisfaction, and more to the satisfaction of the House than at any other period. In the year 1792, three years after the french revolution, the minister came forward with his boasted and triumphant description of the state of the country, of the prosperity of our commerce, of the improvement of our manufactures, of the extent of our revenue, and the prospect of permanent peace. He then admitted that fifteen years peace was, perhaps, rather too much to expect, but he said that we had as rational hopes of the continuance of tranquillity as ever had existed in the history of modern times. Then—full two years and a half (I wish to speak within compass) after the first revolution in France, after the time that the king had been compelled to return to Paris, that the national assembly had annihilated the titles and destroyed the feudal tenures of the nobility; had confiscated the lands belonging to the church, banished part of the clergy, and compelled those who remained to take an oath contrary, in many instances, to the dictates of their conscience; — then, I say, it was, that this prospect of fifteen years' peace was held out to the country. It was after the king of France had been made, as was said at the time, to stand in a splendid pillory, on the 14th July, that this expectation of lasting tranquillity was raised. So that I have a right to conclude, that in the opinion of the king's ministers, the annihilation of the titles of the nobility, and the degradation of the order, the exile of the clergy, and the confiscation of the lands of the church; that the invasion of the royal prerogative, and the insults offered to the sovereign, described as they then were by their friends, by the terms pillory and imprisonment (terms which I now repeat, not with any view of courting the favour of those who employed them, but merely to show the light in which those events were considered at the time), not only so little interfered with the system of neutrality which they had adopted, but were in so small a degree connected with the interests of the country, as not to damp the prospect of peace, or even to render the duration of tranquillity for fifteen years very uncertain. I so far agree, therefore, with the opinion of ministers, that instead of the country being in danger from the french revolution, there were no circumstances attending it, which rendered the continuance of peace more uncertain than it was before it happened. It may be said, that at that time France was professing pacific views. I have so often seen these professions made by the most ambitious powers, in the very moment when they were thirsting most for aggrandisement, that I repose little faith in them; so little indeed, that I cannot believe that the pacific views of ministers were founded upon these professions which were made by the french. But at that very time France was either engaged in actual hostilities with Austria, or on the point of commencing hostilities. War was either begun, or there was a moral certainty that it would take place.

Without stopping to discuss a point, (on which, however, I have no difficulty in my own mind), whether Austria or France was the aggressor, it was sufficient that ministers knew at the time that an aggression had been made on the part of one of those powers. And notwithstanding the defeats which attended the French arms at the outset, it was the general opinion that the Austrian territory was defenceless, and that it would soon be over-run by the enemy's arms. But even then a fifteen years peace was talked of. And I must here state a fact, which though not officially confirmed, rests upon the general belief of Europe, that before hostilities commenced between Austria and France, an insinuation, or rather a communication, was made by England to the latter power, that if they attempted any aggression upon the territories of Holland, which at that time was our ally, we should be obliged to break the neutrality that we had observed, and interfere in the contest. This message has been differently interpreted. Some have put upon it the interpretation which, I think, upon the whole, is the fair one, that it was our policy to take all prudent means of avoiding any part in the war. Others, I know, have put upon it a more invidious construction, and insinuated that our meaning was neither more nor less than this, speaking to the French, "Take you Austria and do with it what you please, but we set up the limits of Holland, beyond which you shall not pass." I state this to show that at that time mi

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nisters did not foresee any probable event which might occasion a rupture between this country and France. That this also was the general opinion of the House in the spring of 1792, I need not spend time in convincing them. I shall, however, barely mention a circumstance of a financial nature, which happened near the close of the session, which proves the fact beyond dispute. I mean the measure of funding the 4 per cents. At that time the 3 per cent consols had risen to 95, 96, and even to 97, and it was the opinion of the right hon. the chancellor of the exchequer that they would rise to par; in this conviction, and with a view of a probable saving, he had lost the opportunity of a certain saving to the nation of a perpetual annuity of 240,000*l.*; a thing of such magnitude, as to prove to the House that at that time the right hon. gentleman had no expectation that the peace was likely to be disturbed, since it induced him to forego the great good which was in his power, in the hope of the trifling addition that might have accrued on the event of the 3 per cents. rising to par. I mention this as a fact subsidiary to the declarations which the minister made at the commencement of that session, and which proved, that to the end of it he continued to entertain the same confidencc of peace.

Thus ended the session of 1792. In the course of the summer of that year various events of various kinds took place. The revolution in France of the 10th of August chiefly deserves notice. I shall not now comment upon the nature of that revolution, I shall speak of it merely as a member of the British legislature, and as an event connected with the interests of this country. The great alteration it had produced was the changing the government of France from a monarchy to a republic. I know that these are excellent words, and well adapted, as the history of our country has proved, for enlisting men under opposite standards. But this is not the view in which that revolution is to be considered, as affecting the policy of this country. Let us in the first place consider its influence upon this country in the way of example, and the prevalence which it was likely to give to Jacobin principles throughout Europe. After this country had seen the order of the nobility destroyed, and their titles abolished, when it had seen the system of equality carried to as great a length as it was possible to carry it, except in that one instance of the existence of a king, I ask those who are fondest of the name of monarchy (I beg not to be understood as speaking in the least disrespectfully of that form of government), whether there was any thing in the monarchy of France previous to the 10th of August which tended to fortify the english monarchy? Whether there was any thing in the subsequent revolution which tended to render it less secure than it was immediately before that event happened, when no danger was apprehended? Whether there be a greater or a less prospect of peace between this country and France since the overthrow of the house of Bourbon than there was before? It is not my disposition to triumph over the distresses of a fallen family; but, considering them as kings of France, as trustees for the happiness of a great nation, and remembering at the same time my old English prejudices, and I may farther add, old English history, can I regret that expulsion as an event unfavourable to the happiness of the people of France, or injurious to the tranquillity of Great Britain? No man who thinks that the former wars of this country against France were just and necessary, can refuse to say that they were provoked by the restless ambition of the house of Bourbon. And can it then be said, that the overthrow of that monarchy was either a cause of alarm or a symptom of danger to Great Britain?

Lest, however, I should be thought by some to approve more of the conduct of ministers than I really do, I here find it necessary to say a few words by way of explanation. I approve of their sentiments in 1792, in as far as they thought that the French revolution did not afford a sufficient cause for this country involving itself in a war, and I approve of their conduct, in as far as it proceeded upon a determination to adhere to an invariable line of neutrality, provided universal tranquillity could not be preserved. I differ, however, with them upon the means of preserving that neutrality. I think there was a time before the war broke out with Austria, which presented an opportunity for this country to exercise the great and dignified office of a mediator, which would not only have been highly honourable to herself and beneficial to Europe, but an office which she was in some measure called upon to undertake by the events of the preceding

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year. The event to which I particularly refer was the treaty of Pilnitz, by which Russia and Prussia avowed their intention of interfering in the internal affairs of France, if they should be supported by the other powers of Europe, which certainly was to all intents and purposes an aggression against France. The circumstances of the transaction, still more than the transaction itself, pointed out the propriety of this mediation on the part of Great Britain. This treaty, I really believe, was never intended to be acted upon; but this certainly does not lessen the aggression, much less the insult which it carried to France. The Emperor at that time was importuned by the emigrant nobility and clergy to interfere in the domestic affairs of France. Austria did not dare to interfere without the co-operation of Russia, and Prussia did not wish to hazard the fate of such an enterprise. When those powers were in this state of uncertainty, that was the very moment for England to become a mediator; and if this country had at that time proposed fair terms of accommodation to the parties, the matter might have been compromised, and the peace of Europe preserved, at least for some time; for, God knows, the period of peace is at all times uncertain! If England had then stepped forward as a mediator, the questions to be agitated would have related solely to Lorraine and Alsace. And, is there any man who believes, putting out of the question the internal affairs of France altogether, that under the impartial mediation of this country, all the difficulties respecting the tenures of the nobility, and the right of the chapters in those two provinces, might not have been easily settled to the satisfaction of the disputants? I cannot conceive that ministers, in concerting their schemes, and adopting the measures which they have pursued, could be influenced by any secret principle so depraved and truly impolitic, as to be induced to contemplate with satisfaction the growing seeds of discord, under the idea that this country would flourish, whilst the other powers of Europe were exhausting themselves in contention and war. Neutrality I admit to have been preferable to an active share in the contest, but to a nation like Great Britain, whose prosperity depends upon her commerce, the general tranquillity of Europe is a far greater blessing (laying the general interests of mankind out of the question) than any partial neutrality which it could preserve. I hope, therefore, that it was upon no such contracted views that ministers declined the office of mediators at the period to which I allude. One would think, however, that after refusing such interference, they would have been the last men in the world to intermeddle with the internal government of another country.

Having proved that the event of the 10th of August made no difference in our relative situation, I trust it is not necessary for me to refer to the horrible scenes that were disclosed in France, in the month of September. I merely mention them that it may not be said that I wished to pass them over in silence, or without expressing those feelings which, in common with all mankind, I experienced, on hearing of atrocities which have excited the indignation of Europe. However monstrous they have been, they seem, notwithstanding, to have no relation to the present question; they have no small resemblance, at the same time, to the massacres in Paris in former periods; massacres in which Great Britain was much more nearly affected than by the events of the month of September 1792, but in which he nevertheless did not interfere, a conduct, the propriety of which it fell to the province of the historian to discuss; and to historians alone must the massacre of September 1792 be also left; for though individual members might think them a fit topic with which to inflame the rage of mankind, ministers never contended that they were a legitimate cause of war.

We now come to that important event the successful invasion of the Austrian Netherlands, by the French under general Dumourier. How far it would have been wise in this country to have permitted France to remain in possession of this key to Holland, I shall not now argue. But what happened in October was apprehended in April; and if it is once admitted as a principle, that it would have been impossible for this country to have allowed France the quiet possession of this territory, would it not have been wise in this country to have prevented the invasion by a mediation between the two powers? Perhaps it may be said, that they trusted that the great military power of Austria would be able, if not to resist the invasion in the first instance, at least to compel them to retire. If this was the policy with which they acted, it certainly

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was a policy more than ordinarily shallow. It would have been, perhaps, in this, as in every instance of a similar nature, more wise to adopt a resolution at the outset, and to act upon it with uniformity, firmness, and consistency. Supposing France to be successful, did you expect to strike in at the end of the war, and speak to France as you did in the case of Russia and the Porte, when you vauntingly said to Russia, "You shall not keep Ockzakow as an indemnity for the expenses of the war"? What was the consequence, however, when you came forward in this arrogant and imperious tone? You were not seconded by the country; you were condemned, as assuming haughty and unwarrantable pretensions, by every impartial man in Europe; and in the end you were obliged to send a minister to Petersburgh to renounce every thing that you had said. Had you pursued the same conduct in respect to France, you would have been reduced to the same dilemma. The more the aggrandizement of France was to be dreaded, the stronger motives we had to exercise the office of a mediator before the war commenced. Shortly afterwards lord Gower was recalled from Paris; a circumstance which I always lamented, because from that moment the continuance of peace between the countries became more doubtful. And this brings me to the immediate causes of the war.

The immediate causes of the war have generally been reduced to three: first, the way in which certain individuals belonging to the Corresponding Society in this country were received by the government of France; secondly, the decree of the 19th of November; and, thirdly, the claims which were set up against the monopoly held by the Dutch of the navigation of the Scheldt. The first appears to me to be so insignificant as not to be worthy of a serious answer. In the first place, in order to give it shape, in order to make it fit for being put down upon paper, you must begin with assuming that there was a government in France to whom you might complain, and from whom you might demand redress. But, was there ever any complaint made, or any dissatisfaction stated? Respecting the decree of the 19th of November, did you ever complain of it? did you ever demand that it should be either revoked or explained? This is a circumstance so intimately connected with the existence of a government in France, that I know not how to separate them. You refused to recognize the government of France, and from that very moment all the means of conciliation and explanation were at an end. Things were then brought to the *ultima ratio regum*; for the moment that you cut off all means of explanation, you virtually made a declaration of war. But though you arrogantly and unwisely refused to recognize the government of France, you allowed M. Chauvelin to remain here, and from the papers which passed between him and the king's ministers at the time, the French seem to have shown a strong disposition to explain that decree. Why then, it will be asked, did they not explain it? Because they did not know what explanation would be satisfactory. But it is admitted by all the writers on the law of nations that I have read, that an insult, or even an aggression, is not sufficient cause of war, till explanation or redress is demanded and refused, and that the party who refuses an opportunity of explanation to the other is the aggressor. This opportunity, however, was denied to the French; and upon these principles England was the aggressor. With respect to the opening of the Scheldt, is there any man who does not believe, if a negotiation had been then attempted, that matters might not have been arranged to the mutual satisfaction of the parties? This was even admitted by the House. For what was the favourite argument at the time? "England is the last power in Europe upon whom the French will make war; but after devouring the rest of Europe, they will swallow you up at last." Upon this part of the argument I am a good deal relieved by subsequent events. And here I am sorry to allude to the opinions of a gentleman (Mr. Burke) who is no longer a member of this House, but from the part he took in the politics of the country at the time, and the effect which his eloquence produced, I find it impossible to speak of the history of the times, without saying something on the doctrines and sentiments of that able and respectable man. In a most masterly performance, he has charmed all the world with the brilliancy of his genius, fascinated the country with the powers of his eloquence, and, in as far as that cause went to produce this effect, plunged the country into all the calamities consequent upon war. I admire the genius of the man, and I admit the integrity and usefulness of his long public life; I cannot, however, but lament that his talents, when, in my opinion,

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they were directed most beneficially to the interest of his country, produced very little effect, and that when he espoused sentiments different from those which I hold to be wise and expedient, then his exertions should have been crowned with a success that I deplore. Never, certainly, was there a nation more dazzled than the people of this country were by the brilliancy of this performance of Mr. Burke! Much of the lustre of his opponents, as well as of friends, was drawn from the imitation of this dazzling orb; but it was the brilliancy of a fatal constellation, which bore terror and desolation in its train; and we are to this day suffering its baneful effects. This able man had no bounds in his opposition to my proposition for recognizing the government of France. It was represented as a proposition to petition France for peace, by throwing ourselves at her feet, to surrender our beloved sovereign's head to the block: in fine, entirely to give up the constitution. And why? Because it was to treat with regicides, though the unfortunate event (for such I shall always call it) of the death of the king of France had not as yet taken place. When the question comes to be reconsidered, I am confident that the country will not be of this opinion. At present I have even ministers themselves as accessaries to the fact, after it has actually happened. By this petition or message to the Directory have they not acknowledged the power of those very men who pride themselves upon the part they took in promoting that unfortunate event, and who now celebrate it by an anniversary festival? For what purpose do I mention this, but to show that I did not wish to surrender the constitution, which has been handed down to us from our ancestors, cemented with their blood, and that it was no part of my design to bring the head of our beloved sovereign to the block?

But to return to the opening of the Scheldt. I am not one of those who conceive the navigation of the Scheldt to be of no importance to Holland; in its present circumstances, I think it was of very little importance. It may be asked, however, are you to judge what is and what is not for the interest of Holland? Are not the Dutch much better judges of what is for their interest than you are? Far, far better certainly, is my answer. But did the Dutch themselves at the time think it an object worth disputing about, or rather did not we drag them reluctantly into the contest? A variety of of other arguments were used at the time. I do not wish to recall the language of any particular gentleman to the recollection of the House; but the argument being adduced against a proposition which I had the honour to make, I have more particular reason to remember it. I was told, that we ought not to recognize the French republic, for fear of disgusting our allies. Let us inquire, then, who were our allies at the time? The states-general were among the number. Then it was said, that even those who were disaffected to the interest of the stadtholder, were so aristocratic in their sentiments, that they would spurn with indignation at French principles, and that an invasion would heal all the internal divisions which subsisted in that republic. Notwithstanding these assertions, however, I have heard, and I know it is commonly believed, that Holland was not conquered by the arms of France, but by the disaffection of the Dutch to the cause in which they were engaged. Our other allies were Austria and Prussia. Whether the king of Prussia has acted to this country with fidelity and honour, or with falsehood and perfidy; whether he has performed his engagements, or whether he has violated the faith of the treaty, we have never been informed by ministers; but this I will ask, whether, after granting him an enormous subsidy, a subsidy which must be regarded as most extravagant, when compared with the amount of the services which he has performed; whether, if you had thought proper to recognize the French republic before you entered into the war, he would have deserted you one day sooner, or swallowed up more of the treasure of the country than he has done. With respect to Austria, is there any man who seriously believes that, though we had recognized the French republic, we might not have availed ourselves as much as we can do at this moment, of the service of that power? Even if Austria had been disgusted, all that she could have done would have been to make a separate peace, which would have probably been the means of restoring general tranquillity, because that must have happened before we engaged in the war. But if this danger would have attended the recognition of the French republic before, may not the effect be produced by the late negotiation

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at Basle, in which Austria was not a party? It was argued, that a recognition implied an approbation of every thing that had passed. But this I denied when the objection was taken, and still persist in denying. On the question of—who was the aggressor? I contend, that by the law of nations, as it is explained by the best writers upon the subject, we were the aggressors, because we refused to give to France an opportunity of redressing those grievances of which we complained.

I now come to the period at which we began to take an active part in the contest. When our armies first appeared in the field, the enemy were forced to retire from the territories which they had occupied; they were completely driven out of the Netherlands, and we were in possession of almost all French Flanders. At this period, it was reported that a person of the name of Maret made proposals for peace, on the part of the French, which were not listened to by his majesty's ministers. Why, then, I ask, did you not make peace at this prosperous juncture? When the enemy were defeated in every battle, when they were driven from the frontiers of our allies which they had occupied; when we had made a considerable impression upon French Flanders; when, excepting Savoy, they had not one foot of land belonging to our allies, and when they might have been disposed to purchase terms of peace by a considerable sacrifice of territory? Why did we not make peace in these circumstances? Why, because the system on which ministers had set out was deserted; because you no longer confined your views to the security of your allies, but, infatuated with success, you began to seek for indemnity. The declining to negociate at this period, I set down as a principal cause of all our succeeding calamities.

I cannot help remarking, that there has been a good deal of inconsistency in the mode of arguing adopted by those who have been adverse to negotiation. When the French were successful, I was asked —What! would you humble the country so far as to beg peace from the enemy, in the moment of her victories? And when the allies were successful in their turn, I was told, that we must not treat at a time when our armies were every where triumphant, and when nothing but disgrace and defeat marked the progress of the enemy; that then was the period to avail ourselves of our good fortune, and reap the fruits of our victories. It was even at one time thought adviseable to push our victories so far as to march to Paris. Upon the project of effecting a counter-revolution in France, having said so much on former occasions, I shall not enlarge now. The great defect in the management of the war, however, has, in my opinion, been the want of a determinate object for which you have been contending. You have neither carried on war for the purpose of restoring monarchy in France, nor with a view to your own advantage. While the emperor in Alsace was taking towns in the name of the king of Hungary, you were taking Valenciennes for the Emperor—proclaiming the constitution of 1791 at Toulon—and taking possession of Martinique for the king of Great Britain. What has been the consequence of this want of object? You have converted France into an armed nation—you have given to her rulers the means of marshalling all the strength of the kingdom against you. The royalists in France, also, so little understood your intentions, that they did not join you; and the reason is obvious—they did not know whether you were at war for the purpose of re-establishing the ancient monarchy of France, or for the purpose of aggrandizing yourselves by robbing France of her territories. It might then have been imagined that we would have endeavoured to conciliate the body of constitutionalists. No such thing. We had acted so as to give the impression that we were desirous to show our enmity towards that body of men. The unfortunate de la Fayette, who deserved the praise of being a man of the most uncorrupted nature, who had the merit of steering between the two extremes of the parties that agitated this country; this firm, brave, and steady friend of his sovereign,—this gallant and distinguished gentleman, equally the friend of his king and his country, emigrated after the 10th of August. Upon neutral ground he was seized by certain robbers in the service of the king of Prussia; he was kept by that monarch for years in prisons and dungeons.—It might have been thought, if you had been desirous to conciliate this body of men, whose constitution you announced at Toulon, that you would at least have made a point of procuring the enlargement of this estimable character. It might have

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been thought, that in return for an enormous subsidy, the king of Prussia could not hesitate at the enlargement of one prisoner. But when a motion on the subject was made by my right hon. friend (general Fitzpatrick) it was said that it was impossible for this government to interfere. He is delivered from the king of Prussia, on his recognition of the French, to the Emperor, because, he said, he belonged to the allies generally, and by him he is kept in the same scandalous and inhuman bondage. From this dreadful captivity he endeavours to escape—a circumstance not very surprising—he is taken and sent back to his prison, to experience more rigorous treatment. At length madame de la Fayette, after enduring a series of most dreadful sufferings under the brutal Robespierre, from which she escaped by miracle, flew, on the wings of duty and affection, to Vienna, to solicit the Emperor for permission to give to her husband the consolation of her attentions in his prison. The emperor granted her request. But on her arrival at Olmutz, the officer who had the care of M. de la Fayette, told her with openness and candour, that if she resolved to go down to the dungeon to her husband, she must submit to share in all the horrors of his captivity. [A burst of indignation and sorrow broke from every part of the House.] This, however, had no terrors for her affectionate heart; she plunged into his dungeon, and there they remain together, the living, and yet buried, victims of this inhuman power. Nay, this is not all; she applied for leave to have a female attendant, instead of a male, about her person; this, she said, even the implacable Robespierre had not denied her; but even this request was brutally refused! As if it were not enough that our ministers had not interfered for the deliverance of this gentleman, and for fear that it should be misunderstood that they did not participate in the measure, M. Alexander Lameth, one of the persons who retired from France along with de la Fayette, had, after a most cruel confinement, come to this country to take the benefit of the Bath waters. He had also been confined in the prisons of Prussia; but his health having fallen a sacrifice, the king yielded to the solicitation of his mother, and had permitted him to have a certain period of relaxation, and, having afterwards made his separate peace with France, was easily persuaded to give him liberty. This gentleman, then, who had so greatly distinguished himself as the friend of his king and country, who had only been desirous to establish a limited monarchy, and who had fallen a sacrifice in his native land to his endeavours to prevent the violence and injustice which have unhappily been committed, sought to re-establish his health in this country. He had not been here a single fortnight, the greatest part of which he spent in his bed, before he was ordered to quit the kingdom; and to every representation of the alarming state of his health, and the impropriety of his being put on board any other than a neutral vessel, very little intention was paid, and he was hurried away, at the hazard of his being carried into Calais, and conducted to the guillotine. What could be more injurious to the country than such conduct? Any person, who had seen M. Lameth with his broken and decayed constitution, would not have conceived that he was in a state to be dangerous to the government. Good God! (exclaimed Mr. Fox) M. Lameth an object of terror to the British government! An object of terror no otherwise than of moral terror, which his sufferings might excite, as exhibiting a dreadful example of the justice of what are termed "regular governments," of the implacable temper of political animosity, and of that severe vengeance, which jealousy and offended power exercise on their unresisting victims! And thus this gentleman, who had justly rendered himself dear to all who love rational liberty, and to whom the emigrant nobility of France owed such obligations, was driven from England.

Thus it appears, that it is not to loyalists of every description that favour is to be shown; it is not to those who take up arms in favour of the limited monarchy which it was the pretended object of the allies, and of this country in particular, to establish, but to those only whose endeavours aim at the restoration of the ancient tyranny, who are the friends of the old feudal system. They, it seems, are the only royalists whose loyalty is entitled to support. With respect to the treatment of general Dumourier, though I do not mean to place him exactly in the same point of view as the two gentlemen I have just mentioned, yet the behaviour of the allies towards him has not been less impolitic; for, certainly, to af-

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ford an asylum and offer our protection, to those men who, disgusted with the party whom they served, withdrew their assistance, was the only effectual way to encourage others to follow their example. It is said, that the legitimate object of Great Britain in this war was, to obtain from France a just and honourable peace, and that this was also the object of the allies. Why then, was not that object attempted, when the confederacy existed in its full power? Why were two of the powers, Prussia and Spain, suffered to melt away, and their aid to be withdrawn from the general cause, without making any overtures for such a peace? You may say, it was not your fault, that you could not foresee their secession: let me, however, observe, that when statesmen take upon themselves to form alliances with other powers, they should know something of the characters of the princes with whom they make such alliances, and how far it is probable they will keep to the letter of their engagements. As to the king of Prussia, there was every reason to suppose, long before the event took place, that he would make peace with France; that it was his interest so to do; and with respect to Spain, it was apparent to the most short-sighted statesman, that her ministers could not protract the conclusion of a peace with the victorious republic, without endangering the existence of the Spanish monarchy itself. It was, therefore, an incumbent duty on ministers to have foreseen the probable consequences of their alliances: if they had possessed any of that necessary foresight, they would, during the last session of parliament, have used their endeavours to have procured a peace, while the confederacy was acting in concert, and not have waited till it was dissolved.

It is alleged, that the form of government in France was not such as to enable ministers to treat for peace upon any sure foundation. I, however, am one of those who think that the government, so far as respected external relations, was of no consequence to the contracting parties. If an absolute government is, as it is thought to be, the best to enter into engagements with, surely no one will deny but France was an absolute government during the tyranny of Robespierre, as well as during the reign of the prior and succeeding factions. The acts of those factions were never afterwards revised, with respect to external relations. But, you say, you must wait till there is a regular constitution established. Is that the most proper time to retrieve your losses by negotiation, when they have settled themselves in a permanent government, ascertained the limits and boundaries of their conquests, made the whole subject to their general laws, and communicated to what was your territory every inherent quality of their own departments? We were told, several years ago, that the French were reduced to such extremity, that they could not possibly find resources to enable them to continue the contest much longer; and only last session it was asserted, with the utmost degree of confidence, that they were not upon the verge, but in the actual gulf of bankruptcy,—that they were in the last agony. A twelvemonth has now elapsed since they have been in that agony; and really it is the first time I ever heard of any set of people continuing so long in such a situation. I certainly must admit, that last year, while France was labouring under this agony, the Emperor, with the assistance of this country, was enabled to regain part of his dominions which had been wrested from him, and this was looked upon as an accomplishment of the prediction, that the French were reduced to the last extremity, and that they were not in a capacity ever to recover themselves. It might naturally have been expected, that death would have been the consequence of this agony; but was that the case? Far from it. The events of the last three weeks have been of a nature sufficient to prove that their agonizing struggles may in the end destroy their enemies, and draw them into that gulf of ruin, in which they had flattered themselves the French would have been irrevocably buried.

The state of the French finances has been another argument to prove their inability to continue the war. God forbid, that the finances of this country should ever be so involved! But the French have now got over the worst consequences resulting from the state of their finances. France has been placed in that situation, wherein it has been necessary to call forth all the property of the country, in order to maintain the quarrel. Without recurring to the mode of argument which was made use of yesterday, with respect to the new mode

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of taxing capital, I hope, if ever we should be in the situation of the French, that we shall not hesitate to expend the whole capital of the country, rather than have a constitution imposed upon us by a foreign enemy. I had rather that all should be taken away by the calamities of the present war; I had rather that we should be forced to submit to one, two, three, or four requisitions of all the adults in the kingdom; all this I would rather submit to, than that the country should experience the misery of absolute servitude. You have reduced France to the situation of absolute bankruptcy: but that bankruptcy is past, and now they have the whole resources of the country to bring forth against you. It is now twelve months since we conceived them in such a state of bankruptcy, as to be incapable of resistance. It was the boast of Austria, that she had recovered her losses; but we see the campaign open this year with such gigantic efforts on the part of the French, as to leave no room to hope that we can ever be able to resist them.

At the commencement of the present session, his majesty in his speech from the throne, intimated a disposition to negociate, and had more fully manifested that disposition in his message of the 8th of December. Why did not ministers make the attempt at that time, which was peculiarly favourable for such a measure, as the campaign could not well be opened for some months? Instead of this, we find that the first step taken was on the 8th of March, three months after the communication of the earnest desire for peace contained in the king's message; and four months after the same sentiments had been avowed in his speech from the throne. This delay has not been occasioned by a wish to consult with our allies, and obtain their concurrence, for it does not appear that they either sanctioned or disapproved it. An allusion was made to them in Mr. Wickham's letter; but in order to justify the delay, the application should have been made in the name of them all, and some specific terms should have been offered. This was not the case. Mr. Wickham's letter was such as might have been agreed upon in a quarter of an hour, instead of three months. But this letter, after all, expressed nothing more than was contained in the king's speech, and cannot be produced as a new proof of the desire of ministers for peace.

It has been said in this House, and his majesty's ministers have particularly supported the opinion, that the contagion of French principles is highly dangerous to this country. Those principles and their supporters in France, have been treated in this House with every mark of insult and contempt, with every expression of disgrace and detestation. The first thing ministers should have done, was to remove the unfavourable impression, the hostile disposition which their language and conduct must have created; and the first step towards accomplishing this, was a full and unequivocal recognition of the French republic. Towards the conclusion of the American war, some gentlemen in this House thought an acknowledgment of the independence of America should be made the price of peace. I always thought otherwise, and that it ought to be made freely and gratuitously. But whether I was right or not, the present is a question materially different. We have no claim on France, like that which we had on America, and therefore the less would have been the sacrifice in recognizing the republic. But so far from doing this, Mr. Wickham's note does not even hint at the terms that would be acceptable. This reserve may in some cases be prudent and wise. In the present case I see neither prudence nor wisdom. Instead of either recognition or offers, you tell the Directory, that your minister is not empowered even to negociate. To argue this point fairly, I must put myself in the situation of the enemy, and here I must ask, what could I think of such a communication from ministers, who for several years have traduced the principles and governments in France, and reviled all the ruling men in that country; from ministers who delayed that communication for three months? I could not believe the sincerity of their offers.

It is not regular to mention what has passed in former debates; but, if I may be permitted to allude to the arguments advanced a few evenings ago, upon the subject of the king of Sardinia's subsidy, we shall find a full illustration of the minister's motives, in making the pretended offers of peace through Mr. Wickham. On that occasion, it was said, that it was by no means certain, that the overtures of his Sardinian majesty were made with the view of obtaining peace. It was most probable, that they were made in conse-

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quence of the pressure of circumstances, and that all his object was to know, what were the conditions on which the French would consent to a pacification; for he had no real intention of putting an end to the war. I cannot conceive more happy expressions to explain the views of his majesty's ministers, in making overtures through Mr. Wickham. They were no doubt actuated by the same motives that guided his Sardinian majesty, and the French might well suppose that their pretended offers were produced by the pressure of circumstances, and made with the view rather of protracting than concluding the war. The pretence set up by the French, that they could not give up any territories which had been consolidated with the republic, is, indeed, a matter of regret, but it is a circumstance that doubles my indignation against those ministers who have brought us into this lamentable situation, who have deferred any proposition for peace till a period when the difficulties are such, that there is no prospect of obtaining it on safe and honourable terms. I see great triumph on the other side of the House, and I do not wonder at it. Their object was to delay overtures of peace till they could not be accepted, and they have succeeded. This may be a manœuvre in war, but it is not an act of which a minister, sincerely desirous of peace, ought to boast. That it was such a manœuvre, I am convinced, by the eagerness and exultation with which the correspondence has been published. Is there no better means of making the government of France believe the sincerity of your wishes for peace? Why is it not considered how other treaties have been made? Why not make your disposition for peace known by various other channels than an open negotiation? And, above all, why not recognize the republic, and renounce any design against it on account of the principles on which it was founded? When that great man, the late lord Chatham, was consulted respecting the best mode of terminating the unfortunate dispute with America, did he send to know what were the terms demanded by the Americans? No: his opinion was, that nothing would effect a complete conciliation, but a complete change in his majesty's councils.—[A laugh on the treasury bench.]—Gentlemen may laugh, but I do not understand how the calamities of the people, brought on by the present councils of his majesty, can be a subject of merriment. To remove those calamities, a total change, not only in the councils of his majesty, but in his counsellors, is absolutely necessary; for to suppose, after their recent conduct, that they will abandon those principles of action which have brought on us so many misfortunes, is absurd. They have not in any way manifested such a change. The administration which conducted the American war, was found unfit to settle the peace; and yet lord North, of whom as a private man I never can speak but with respect and esteem, had a most conciliating disposition, and never was considered to be personally anxious to establish our dominion over America, neither had he spoken with so much acrimony of our enemies as has lately been the case. He might have treated with more advantage than our present ministers, and yet it was found necessary that he should resign.

The change of feeling towards the French must have been very sudden in the right hon. gentleman; for at the time he was making pacific professions, he was sending an expedition to the coast of France, which if it had succeeded, would have compelled him to declare Louis 18th king. Had the island of Noirmoutier been taken in the name of Louis 18th, in whose name it was summoned by a British officer, how could ministers have recognized the republic? It appears, then, that their conversion is very sudden, and sudden conversions are most suspicious. It is but too manifest, that they never were sincerely desirous of negotiating a peace with the French republic. They might, indeed, draw up a paper with the ingenuity of special pleaders, that might serve as a declaration in a court of law, but which, from its ambiguous mode of expression, could not satisfy a more liberal judgment of the sincerity of their wishes for peace. I do not wish to visit the sins of the father upon the son; I do not wish that the descendants of the house of Bourbon should be treated in the manner in which they treated the unfortunate house of Stuart; but if your pacific offers were sincere, you should have disowned Louis 18th as king of France. You should have recalled lord Macartney, who was sent as ambassador to him, and avowed that you made war on France as a republic, and consequently that you recognized it as such. It would have been a becoming act of justice in you to have declared this to

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Louis 18th; and it would have been an act of prudence to yourselves, with a view of convincing the Directory of the sincerity of the change in your sentiments; it would have freed the unfortunate emigrants from all farther suspense respecting their fate, and would have convinced the French government of your actual solicitude for peace.

And here I must beg pardon of the House, for entering into a short digression on the double dealing that has been used towards the unfortunate emigrants from France, and observe, that it is a most consoling circumstance to me, that not one of them owes the smallest atom of his misfortunes to any thing I ever did or said. It was natural that those unhappy men, when they heard that the estates of Englishmen were insecure, unless the estates of the emigrants were restored; when they heard that we could not make peace with the republicans, without laying the head of our sovereign on the block; when they heard that Great Britain was fighting for her very existence; it was natural for them to say, we may safely risk ourselves in the same bark that carries Cæsar; we may venture our fortunes along with that of the British empire. With these opinions, which they imbibed from speeches delivered in this House, the royalists had been drawn from all parts of France, fully persuaded that they would be cordially received here. But how have they been duped with ambiguous declarations, made purposely to deceive them into an idea that they were to fight for the restoration of the French monarchy, and of their own property; when, in fact, they were only set on to fight for the fluctuating views of ministers, who never regarded their personal welfare, or the cause they wished to support, as an object of real importance! In this manner many of the emigrants have been seduced to their ruin, and it would be but an act of justice to tell them we are not now fighting for the restoration of the French monarchy, we are not now fighting for the restoration of your property—our only object now is, to regain the territories we have lost—we are fighting only about the conditions of peace. The question now is, whether ministers have really changed their sentiments respecting the origin and objects of the war. If they have, they should prove it by some unequivocal act or declaration. If they have not, as I suspect is the case, then this House should entreat his majesty to change his councils. I know it will be said, "What! you have been speaking three hours, and all for the purpose of procuring a change of ministers, because such a change might be advantageous to yourself." To this I can only answer, that I never will take a part in the government, till the principles upon which the present war has been made, till the principles upon which our domestic politics have been conducted during its continuance, have been completely renounced and abandoned; for it is to them that we must trace the source of all the evils with which we are now afflicted. No minister who commenced and carried on a war, ever made an advantageous peace; but if the present ministers expect to prove an exception to this rule, they should show that they are seriously convinced of their past errors; they should renounce the principles on which they have acted, before they can hope to put an end, with safety and honour, to a war which they have conducted with so much rancour and with so little success. It has been said, let us persevere a little longer, and we shall ultimately succeed; mandâts are as much depreciated now, as assignats were formerly; France cannot, therefore, continue the contest long. In answer to this I will only say, look at the effects of the war upon ourselves, and consider well how long we shall be enabled to carry it on. Between fifty and sixty thousand men have already been sent to the West Indies; the mortality has been great among them, and the advantages comparatively trifling, for if we have taken Martinique—St. Vincent's and Grenada are laid waste. The Dutch possessions, it is supposed, will form our chief indemnity at the peace. I will say little as to the fairness of taking these from a nation, to preserve the territory of which we professedly went to war. I am told, ministers do not now wish the stadtholder to be restored; but I will only remark, that our extensive colonies in different quarters are already a great incumbrance to us in time of war; they exhaust our strength, and if our maritime force shall ever be equally opposed by a hostile power, their possession will be very precarious.

We have, Sir, completely failed in all the objects for which the war was commenced. Holland is lost, the king of France exiled, and the aggrandizement and power of the French republic is more

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alarming than ever. Of our allies, the king of Prussia, who was the first to treat with the French, has sustained the least injury; the king of Spain has been forced to make peace, in order to save his dominions; and the king of Sardinia is now in the same predicament, compelled, for his own safety, to accept such terms as the Directory may choose to grant. The fate of this monarch, whose good faith was so loudly extolled in a late debate, who was termed the very pattern of fidelity most forcibly and unequivocally demonstrates, that in proportion as every ally of this country, in the present contest has been a pattern of fidelity, he has also been an example of misfortune. The empress of Russia has indeed suffered nothing. It is impossible not to see, that her only object in the alliance was to plunder Poland, in which she has been collaterally supported by England. This is a mortal blow to another professed object of the war, the balance of power. Will any man believe that the avowed object of the partition, the destruction of jacobinism in Poland, was the real cause of dividing that unfortunate country? And will any man contend that England and France united, might not have prevented that transaction, and by that means preserved the balance of power in Europe? But Poland was abandoned to its fate, suffered to be sacrificed, annihilated, destroyed, for the sake of those absurd and vicious principles, which govern the policy of ministers, and which have involved us in the present war. These principles must now be deserted. If the country is to be saved, we must retrace our steps; that is the only course which presents any hope of an effectual cure for the evil. All other remedies are mere palliatives, which must rather prove mischievous than useful. What I recommend therefore is a complete change of system. Mr. Fox concluded a speech which lasted nearly four hours by moving,

"That an humble Address be presented to his majesty, most humbly to offer to his royal consideration, that judgment which his faithful Commons have formed, and now deem it their duty to declare, concerning the conduct of his ministers in the commencement, and during the progress, of the present unfortunate war. As long as it was possible for us to doubt from what source the national distresses had arisen, we have, in times of difficulty and peril, thought ourselves bound to strengthen his majesty's government, for the protection of his subjects, by our confidence and support: but our duties, as his majesty's counsellors, and as the representatives of his people, will no longer permit us to dissemble our deliberate and determined opinion, that the distress, difficulty, and peril, to which this country is now subjected, have arisen from the misconduct of the king's ministers; and are likely to subsist, and to increase, as long as the same principles, which have hitherto guided these ministers, shall continue to prevail in the counsels of Great Britain.

"It is painful to us to remind his majesty of the situation of his dominions at the beginning of this war, and of the high degree of prosperity to which the skill and industry of his subjects had, under the safeguard of a free constitution, raised the British empire, since it can only fill his mind with the melancholy recollection of prosperity abused, and of opportunities of securing permanent advantages wantonly rejected. Nor shall we presume to wound his majesty's benevolence by dwelling on the fortunate consequences which might have arisen from the mediation of Great Britain between the powers then at war, which might have ensured the permanence of our prosperity, while it preserved all Europe from the calamities which it has since endured; a mediation which this kingdom was so well fitted to carry on with vigour and dignity by its power, its character, and the nature of its government, happily removed at an equal distance from the contending extremes of licentiousness and tyranny.

"From this neutral and impartial system of policy, his majesty's ministers were induced to depart, by certain measures of the French government, of which they complained as injurious and hostile to this country. With what justice these complaints were made, we are not now called upon to determine, since it cannot be pretended that the measures of France were of such a nature as to preclude the possibility of adjustment by negotiation; and it is impossible to deny, that the power which shuts up the channel of accommodation must ever be the real aggressor in war. To reject negotiation is to determine on hostilities; and whatever may have been the nature of the points in question between us and France, we cannot but pronounce the refusal of such an authorized communication with that coun-

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try, as might have amicably terminated the dispute, to be the true and immediate cause of the rupture which followed. Nor can we forbear to remark, that the pretences, under which his majesty's ministers then haughtily refused such authorized communication, have been sufficiently exposed, by their own conduct, in since submitting to a similar intercourse with the same government.

"The misguided policy, which thus rendered the war inevitable, appears to have actuated the ministers in their determination to continue it at all hazards. At the same time we cannot but observe, that the obstinacy with which they have adhered to their desperate system is not more remarkable than their versatility in the pretexts upon which they have justified it. At one period the strength, at another the weakness, of the enemy, have been urged as motives for continuing the war: the successes as well as defeats of the allies have contributed only to prolong the contest; and hope and despair have equally served to involve us still deeper in the horrors of war, and to entail upon us an endless train of calamities.

"After the original, professed, objects had been obtained, by the expulsion of the French armies from the territories of Holland and the Austrian Netherlands, we find his majesty's ministers influenced either by arrogance or by infatuated ambition and vain hope of conquests, which, if realized, could never compensate to the nation for the blood and treasure by which they must be obtained; rejecting, unheard, the overtures made by the executive council of France, at a period when the circumstances were so eminently favourable to his majesty and his allies, that there is every reason to suppose that a negotiation, commenced at such a juncture, must have terminated in an honourable and advantageous peace. To the prospects arising from such an opportunity they preferred a blind and obstinate perseverance in a war, which could scarce have any remaining object but the unjustifiable purpose of imposing upon France a government disapproved of by the inhabitants of that country. And such was the infatuation of these ministers, that, far from being able to frame a wise and comprehensive system of policy, they even rejected the few advantages that belonged to their own unfortunate scheme. The general existence of a design to interpose in the internal government of France was too manifest not to rouse into active hostility the national zeal of that people; but their particular projects were too equivocal to attract the confidence, or procure the co-operation, of those Frenchmen who were disaffected to the then government of their country. The nature of these plans was too clear not to provoke formidable enemies, but their extent was too ambiguous to conciliate useful friends.

"We beg leave farther to represent to your majesty, that at subsequent periods, your ministers have suffered the most favourable opportunities to escape of obtaining an honourable and advantageous pacification: they did not avail themselves, as it was their duty to have done, of the unbroken strength of the great confederacy which had been formed against France, for the purpose of giving effect to overtures for negotiation: they saw the secession of several powerful states from that confederacy; they suffered it to dissolve without an effort for the attainment of a general pacification: they loaded their country with the odium of having engaged with the most questionable views, without availing themselves of that combination for procuring favourable conditions of peace. That, from this fatal neglect, the progress of hostilities has only served to establish the evils which might certainly have been avoided by negotiation, but which are now confirmed by the events of the war. We have felt that the unjustifiable and impracticable attempts to establish royalty in France, by force, has only proved fatal to its unfortunate supporters. We have seen, with regret, the subjugation of Holland and the aggrandizement of the French republic; and we have to lament the alteration in the state of Europe, not only from the successes of the French, but from the formidable acquisition of some of the allied powers on the side of Poland; acquisitions alarming from their magnitude, but still more so from the manner in which they have been made: so fatally has this war operated to destroy, in every part of Europe, that balance of power for the support of which it was undertaken, and to extend those evils which it was its professed object to avert.

"Most cordially, therefore, did we assure his majesty, this his faithful Commons heard with the sincerest satisfaction, his majesty's most gracious message of the 8th of December, wherein his majesty

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acquaints them that the crisis, which was depending at the commencement of the present session, had led to such an order of things as would induce his majesty to meet any disposition to negotiation, on the part of the enemy, with an earnest desire to give it the fullest and speediest effect, and to conclude a general treaty of peace whenever it could be effected on just and suitable terms for himself and his allies. That from this gracious communication, they were led to hope for a speedy termination to this most disastrous contest; but that, with surprise and sorrow, they have now reason to apprehend that three months were suffered to elapse before any steps were taken towards a negotiation, or any overtures made by his majesty's servants.

"With equal surprise and concern they have observed, when a fair and open conduct was so peculiarly incumbent on his majesty's ministers, considering the prejudices and suspicions which their previous conduct must have excited in the minds of the French, that, instead of acting in that open and manly manner which became the wisdom, the character, and dignity, of the Brirish nation, they adopted a mode of proceeding calculated rather to excite suspicion than to inspire confidence in the enemy. Every expression which might be construed into an acknowledgment of the French republic, or even an allusion to its forms, was studiously avoided: and the minister, through whom this overture was made, was, in a most unprecedented manner, instructed to declare, that he had no authority to enter into any negotiation or discussion relative to the objects of the proposed treaty.

"That it is with pain we reflect, that the alacrity of his majesty's ministers in apparently breaking off this negotiation, as well as the strange and unusual manner in which it was announced to the ministers of the various powers of Europe, affords a very unfavourable comment on their reluctance in entering upon it, and is calculated to make the most injurious impression respecting their sincerity, on the people of France.

"On a review of so many instances of gross and flagrant misconduct, proceeding from the same pernicious principles, and directed with incorrigible obstinacy to the same mischievous ends, we deem ourselves bound in duty to his majesty, and to our constituents, to declare, that we see no rational hope of redeeming the affairs of the kingdom, but by the adoption of a system radically and fundamentally different from that which has produced our present calamities.

"Until his majesty's ministers shall, from a real conviction of past errors, appear inclined to regulate their conduct upon such a system, we can neither give any credit to the sincerity of their professions of a wish for peace, nor repose any confidence in their capacity for conducting a negotiation to a prosperous issue. Odious as they are to an enemy, who must still believe them secretly to cherish those unprincipled and chimerical projects, which they have been compelled in public to disavow, contemptible in the eyes of all Europe, from the display of insincerity and incapacity which has marked their conduct, our only hopes rest on his majesty's royal wisdom and unquestioned affection for his people, that he will be graciously pleased to adopt maxims of policy more suited to the circumstances of the times than those by which his ministers appear to have been governed, and to direct his servants to take measures, which, by differing essentially, as well in their tendency as in the principle upon which they are founded, from those which have hitherto marked their conduct, may give this country some reasonable hope, at no very distant period, of the establishment of a peace, suitable to the interests of Great Britain, and likely to preserve the tranquillity of Europe."

Mr. *Pitt* said, that the right hon. gentleman had dwelt rather more at length than was obviously necessary, on a proposition in itself sufficiently evident, and which needed not to be enforced by the great authority of that illustrious orator of antiquity, whose name he had thought proper to quote on the occasion. The proposition was, that at certain periods it may be useful to take a review of past events, in order to apply to our present situation the lessons of experience, to examine the sources of former errors, and to trace the causes of those calamities under which the country may suffer, in order to obviate future misconduct, and, if possible, to procure redress for existing evils. That such a retrospect may, in most cases, be wise and salutary, is a proposition which will hardly be denied. It is evident, that an appeal to experience is the best guard to future conduct, and it may be necessary to probe the nature of the misfortune, in order to apply a

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suitable remedy. But I shall not take up the time of the House in discussing a point so obviously true, and so universally acknowledged. I feel the less inclination to detain their attention, as I contend that this proposition, which is so true in general, does not apply to the particular state of the country. There are some situations in which a wide and very ample survey of past events, may, perhaps, better be spared, particularly at a moment when the honour and interests of the nation demand the united concurrence of every friend to the country in the same object. and point out only one line of conduct which can consistently be pursued. Whatever may be the difference of opinions with respect to the origin and conduct of the war, whatever may be the events which have occurred during its progress, or the pressure of the calamities it has occasioned, under our present circumstances, compelled as we are to continue the war by the ambition and obstinacy of the enemy, left without the option of a safe and honourable retreat, a mere appeal to past events can neither be necessary or proper, and even prudence demands from us to dismiss all retrospect, in order to look to the means of future exertion, and the prospect of probable success. The right hon. gentleman, in the commencement of his speech, alluded to the new situation which has arisen with respect to the war, and which, I contend, renders its continuance no longer a matter of choice but of necessity. But if he consumed so much time in proving the necessity of a retrospect, so much time in the retrospect itself, and so little on that new situation in which the country is placed; if, on the former topics he had recourse to a detached and elaborate argument, while he so slightly touched on the point of more immediate interest, and pressing urgency, it is because he felt that he must disappoint the public in withholding his opinion in the present crisis, after the declaration of those sentiments which he has repeatedly uttered. If by the refusal of the enemy to accede to fair and honourable terms of peace, that period is now arrived, which he formerly declared would secure his cordial support to the continuance of the war—that period which, by exhibiting in the strongest light the unjust policy and unreasonable ambition of the enemy, he then pronounced would undoubtedly have the effect to unite all England, and to divide all France, he would have better fulfilled the pledge which he solemnly gave to the public, by admitting the necessity and justice of prosecuting the war under these circumstances, than by occupying a wide field of general reasoning, and entering into a minute historical detail of past events. In that case, however he might have lamented past misconduct, however he might have retained former differences of opinion, consistent with his duty as a member of parliament, and his feelings as an Englishman, he must have admitted the necessity of manly perseverance, and of vigorous exertion, if he wished to remain true to the country and just to his own principles. The right hon. gentleman, however, has thought fit studiously to avoid giving any opinion on the conduct of the enemy, or adverting to that new situation in which the country is placed by the recent communication.

Under this protest, that the time which the right hon. gentleman has chosen for retrospect is that precise period when retrospect might have been most conveniently spared, because we have now no option between war and peace, because we are now called upon not to decide on the past, but to act for the future, I shall not enter at large into the long, historical detail which the right hon. gentleman has brought forward, but shall call your attention to that part of the subject which he has omitted, namely, the situation in which the country at present stands, and the points, now at issue between us and the enemy. Under this protest, however, I have no objection to follow the right hon. gentleman through the leading points of his retrospect. The points on which he chiefly insisted, come under the following heads: First, that we should retract past errors, and confess that we have made an unjust aggression in a contest which we formerly declared to have originated in the unprincipled policy and insolent ambition of the enemy, and which was rendered necessary on our part for self-preservation, and the security of our dearest interests. Secondly, That we should admit that the cause of the war, as we undertook it, was the restoration of monarchy in France. Thirdly, that during the progress of hostilities, many better opportunities have occurred for restoring tranquillity, and much more favourable terms might have been had than, can now be hoped for. Fourthly, That we should be prepared to state, that our resources

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are exhausted, and that all hope from the adoption of vigorous measures ought to be abandoned. Fifthly, That we should allow, that from our former conduct and repeated declarations, the enemy are fully justified in their distrust of our sincerity with regard to peace, and that, on that ground, their answer to a late communication is strictly defensible. These were the leading points on which the right hon. gentleman insisted, stated very generally as specific propositions; but in arguing which, he went into long details filled up with a great deal of rich and glowing colouring. First, I must remark, that the right hon. gentleman, who wished by the declaration which he proposed, that ministers should acknowledge all past errors, must have forgotten that he was also calling upon the House to rescind all the decisions which they had come to in the course of four years. His majesty's ministers are accused of having plunged the nation unnecessarily in a most bloody and expensive war, a charge in which parliament were implicated, because they have, upon the most mature consideration, declared that they considered the present, to be a just and necessary war. The right hon. gentleman has not, upon this occasion, trusted to his usual arguments, to prove, that we were in fact the aggressors in this war; he has laid his ground much higher, and attempted to prove, *à priori*, that the war on our part was unjust. He has endeavoured to prove the war was unjust on our part, because it was unexpected; and to prove that it was unexpected, he goes back to 1792, and refers to a speech made by me on the opening of the budget for that year,* which he describes as having been uttered in a tone of great satisfaction, triumph, and exultation. It is true, indeed, that I felt much satisfaction in exhibiting to the country the high degree of prosperity to which it had then reached: not less satisfaction I am sure than the right hon. gentleman seems to feel in giving them the melancholy picture that he has now drawn of its present reduced situation; and I felt the more vivid satisfaction in viewing that prosperity, as it enabled us to prepare for, and enter into, a contest of a nature altogether unprecedented. But I must remark as a singular circumstance, now that period of prosperity is over, the right hon. gentleman dwells on the retrospect rather rapturously, though it seemed but little to affect him at the time it was enjoyed. In bringing forward that budget he remarks, that I held out a prospect of fifteen years peace, and afterwards seems to attach a degree of insincerity to the declarations of ministers on that subject. What can countenance such an accusation, I am at a loss to discover. For at the periods alluded to, every motive of public duty, every consideration of personal ease, must have induced me to exert the best of my endeavours to promote a peace, by which alone I could be enabled to effect the favourite objects I had in view, of redeeming the public debt and the 4 per cents as alluded to by the right hon. gentleman. No stronger proof could be given of the sincerity of government to promote and insure peace, than was then given by ministers; and if they were disappointed, the fault is not with them; their conduct must be justified by the imperious necessity, which, in 1793, compelled them to resist an unprovoked aggression. As to the accusations urged against us of not offering our mediation, or even resisting it when solicited, they are equally of little weight. Are ministers to be blamed, for what it would be hazardous in them to have attempted, namely, to propose a mediation, where both parties were not ready to agree? To have erected ourselves into arbiters could only expose us to new difficulties and disputes, if we were determined, as we ought to be, to enforce that mediation on the parties who refused to admit it. And what is the great use which the right hon. gentleman seems to be so eager to derive from peace, if it had been so secured? Why that we should go to war in order to prevent the partition of Poland! In general policy, I am ready to confess that this partition is unjust; but it does not go, as is said, to overturn the balance of power in Europe, for which the right hon. gentleman, as it suits his argument, expresses greater or less solicitude; for that country being nearly divided equally between three great powers, it can little contribute to the undue aggrandizement of either. But how strange does it seem in that right hon. gentleman to inveigh so strongly against the partition of Poland, who censured ministers for their endeavours to prevent the partition of Turkey; for I beg the House to observe, that it is the

* See Vol. 29, p. 816.

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establishment of the principle, that this country could not interfere to prevent the partition of Turkey, that precludes the possibility of any interference with respect to Poland.

As to the latter transactions that have occurred between this country and France, they are too fresh in the memory of the House, to require that I should call their attention to them. The resolutions to which we have come on this subject are too sacred, the opinion too settled, and too deeply formed, to be lightly reversed. We cannot, surely, forget the first cause of complaint, allowed to be well founded, and the famous decree of the 19th of November, which was an insult and an outrage on all civilized nations. If any thing could have aggravated the letter of that act, it was the spirit which pervaded it, and the practical circumstances which accompanied it. Seditious men, delegated from this country, with treason in their mouths and rebellion in their hearts, were received, welcomed, and caressed by the legislature of France. That government, without waiting until it had even established itself, declared hostilities against all the old established systems: without having scarcely an existence, it had the presumption to promise to interpose to the destruction of all the existing governments in the world. All governments alike fell under its vengeance; the old forms were contemned and reprobated, those which had stood the test of experience, whether monarchy, aristocracy, or mixed democracy, were all to be destroyed. They declared that they would join the rebellious subjects of any state to overturn their government. The right hon. gentleman contended, that this obnoxious decree was done away by a subsequent one. But what was the explanation they had given? It was, that they would not interfere in the government of another country, except they were of opinion that the majority of that country wished for a change of government. As to their declaration against aggrandizement, without stopping to argue a point that is so extremely clear, I will only refer the House to their whole conduct towards Belgium. They declared that they would not interfere in the government of Belgium, after it had consolidated its liberties;—a strange way of declining interference when a form of constitution was forced on them, bearing the name, but not the stamp of liberty, and compelling the Belgians to consolidate and preserve it. With respect to another cause of the war, viz. the opening of the Scheldt, their explanations regarding that circumstance, and their intentions upon Holland, were equally unsatisfactory; their ultimatum was, that they would give no farther satisfaction; and their refusing a fair explanation made them the aggressors in reality, if not in form. Still, however, the channel of negotiation was not cut off by this country: as long as the king of France retained a shadow of power, M. Chauvelin continued to be received in an official capacity; and even after the cruel catastrophe of that unfortunate monarch, his majesty's minister at the Hague did not refuse to communicate with general Dumourier, when he expressed a wish to hold a conference with him relative to some proposals of peace. When all these opportunities had been offered and neglected, they declared war, and reduced us to the necessity of repelling an unjust aggression. In every point of view, therefore, they were evidently the aggressors. I cannot help wishing to recall the attention of the House to the general conclusion of what I have stated, for upon that rests all I have to say on the first part of the right hon. gentleman's propositions. If the House had been hurried by passion into the war, would it go to the enemy to atone for its misconduct, and accede to such conditions as the enemy might offer? And, yet the right hon. gentleman proposes, that we should bow down before the enemy, with the cord about our necks, when we have not felt the self-reproach of doing wrong; that we should abjure our recorded professions, and receive a sentence of condemnation, as severe as undeserved. This, I contend, would be to renounce the character of Britons. Even if, by the adverse fortune of war, we should be driven to sue for peace, I hope we shall never be mean enough to acknowledge ourselves guilty of a falsehood and injustice, in order to obtain it.

The right hon. gentleman's next accusation against ministers is, that they have been guilty of a radical error, in not acknowledging the French republic. It is said, that this has been the bar to all treaty; that this has prevented every overture in subsequent situations. I admit it has so happened, that we have never acknowledged the republic; and I admit also, that no overture for peace,

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on the part of this country, has been made till lately. I admit, that after the siege of Valenciennes, I did say, it was not then advisable to make conditions, and I admit also, that when we struggled under disadvantages, I was equally averse: whence the right hon. gentleman infers, that "if you will not treat for peace when you are successful, nor treat for it when you are unfortunate, there must be some secret cause, which induces us to believe you are not disposed to treat at all." Is it reasonable, I ask, when a just hope is entertained of increasing our advantages, to risk the opportunity which those advantages would secure of making better terms; or, is it reasonable when we experience great and deplorable misfortunes, to entertain a just apprehension of obtaining a peace, on fair and permanent conditions? These are the principles on which I have acted, and they are raised upon the fair grounds of human action. If success enough were gained to force the enemy to relinquish a part of their possessions, and we might not yet hope to be wholly relieved from similar dangers, except by a repetition of similar efforts and similar success, was it inconsistent for a lover of his country to push those efforts farther, upon the reasonable expectation of securing a more permanent and honourable peace? And, on the other hand, when we experienced the sad reverse of fortune; when the spirit of our allies was broken, our troops discomfited, our territories wrested from us, and all our hopes disconcerted, did it argue a want of reason, or a want of prudence not to yield to the temporary pressure? In carrying on the war, we have met with misfortunes, God knows, severe and bitter! Exclusive of positive acquisitions, however, have we gained nothing by the change which has taken place in France? If we had made peace in 1793, as the right hon. gentleman says we ought to have done, we should have made it before France had lost her trade; before she had exhausted her capital; before her foreign possessions were captured, and her navy destroyed. This is my answer to every part of the right hon. gentleman's speech relative to making peace at those early periods.

But a discussion is once more introduced as to the object of the war. Ministers have repeatedly and distinctly stated the object; but it is a custom, on the other side of the House, to take unguarded and warm expressions of individuals in favour of the war, for declarations of ministers. Thus, many things which fell from that great man, Mr. Burke, have since been stated as the solemn declaration of government; though it is known that, to a certain extent, there is a difference between ministers and that gentleman upon this subject. But then it is to be taken as clear, that ministers are not only anxious for the restoration of monarchy in France, but the old monarchy with all its abuses. That ministers wished to treat with a government in which Jacobin principles should not prevail, that they wished for a government from which they could hope for security, and that they thought a monarchy the most likely form of government to afford to them these advantages, is most undoubtedly true; but that they ever had an idea of continuing the war for the purpose of re-establishing the old government of France, with all its abuses, I solemnly deny. If, for the reasons I have before stated, it would not have been prudent to have made a peace in the early stage of the contest, surely it would not have been advisable when the enemy were inflated with success. The fate of the campaign of 1794 turned against us upon as narrow a point, as I believe ever occurred. We were unfortunate, but the blame did not rest here: that campaign led to the conquest of Holland, and to the consternation which immediately extended itself among the people of Germany and England. What, however, was the conduct of ministers at that period? If they had given way to the alarm, they would have been censurable indeed. Instead of doing so, they immediately sent out expeditions to capture the Dutch settlements, which we may now either restore to the stadtholder, if he should be restored, or may retain them ourselves. If, instead of that line of conduct, ministers had then acknowledged the French republic, does the right hon. gentleman suppose that the terms we should then have obtained would have been better than those we can now expect? Then, it was asked, why did not administration negociate for peace before the confederacy was weakened by the defection of Spain and Prussia, because of course, better terms might have been obtained when the allies were all united, than could be expected after they became divided? It undoubtedly would have been a most ad-

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vantageous thing, if we could have prevailed upon Spain and Prussia to have continued the war until the enemy were brought to terms, but that not having been the case, we at least had the advantage of the assistance of those powers, while they remained in the confederacy. Before any blame can attach upon ministers upon this ground, it will be necessary to show, that, prior to the defection of Prussia and Spain, terms were proposed to us, which we rejected. Whether these two powers have gained much from the peace they have made, is not a question very difficult to be answered. Whether Spain was really in that state that she could not have maintained another campaign, without running the risk of utter destruction, is a point upon which I do not choose to give an opinion; but with respect to Prussia, she certainly enjoys the inactivity of peace, but she has all the preparation and expense of war.

The right hon. gentleman again adverts to the form of government which, he says, it was the intention of ministers to establish in France, and alludes, particularly to the affair at Toulon; and from that subject he makes a rapid transition to the case of M. de la Fayette. With respect to the treatment of that unfortunate gentleman, the government of Great Britain had no share in it; nor did ministers think themselves warranted in interfering with the allies upon the subject. With regard to M. Lameth, the right hon. gentleman certainly did ministers justice, when he said they could feel no antipathy to that person; and they certainly did feel great reluctance in ordering him to quit the kingdom; but as to the motive which induced them to take that step, they did not conceive it to be a proper subject of discussion. The act of parliament had vested discretion in the executive government, and they must be left to the exercise of it. The right hon. gentleman has also alluded to the situation of the emigrants, and asserted, that if government were of opinion that there was no prospect of making an attack with success upon France, it was the height of cruelty to have employed them. This, however, was not the case: there were, at different times, well grounded expectations of success against that country, and surely it cannot be considered as cruelty to have furnished the emigrants with the means of attempting to regain their properties and their honours.

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The right hon. gentleman has also thought proper to dwell at considerable length on the state of the enemy's finances. He is willing to admit that their finances are, as he says I have stated them to be, in the very gulf of bankruptcy—in their last agonies. But then the right hon. gentleman proceeds to ask me whether, notwithstanding this financial bankruptcy, they have not prosecuted their military operations with increased vigour and success? Whether notwithstanding these their last agonies, they may not make such dreadful struggles as may bring their adversaries to the grave? I will not now detain the House by contrasting the finances of this country with those of the enemy; I will not now dwell on the impossibility of a nation carrying on a vigorous war, in which it is annually expending one-third of its capital; but I will tell the right hon. gentleman, that the derangement of the French armies at the latter end of the last campaign, the exhausted state of their magazines and stores, and their ultimate retreat before the allied troops, furnish a convincing proof that the rapid decline of their finances begins to affect in the greatest degree their military operations. How far their recent successes, on the side of Italy deserve credit to the extent stated by the right hon. gentleman, I shall not take upon me to say; I have had no intelligence on the subject, and therefore shall offer no opinion to the House.

The next topic which I have to consider, is the argument drawn from the question of our sincerity in the message delivered to the French minister at Basle, on the 8th of March. One inference drawn by the right hon. gentleman arises from the circumstance of this message having been communicated four months after his majesty's speech, and three months after the declaration made to parliament, that his majesty was ready to give effect to any disposition manifested on the part of the enemy for the conclusion of a general peace. In the first place, it must be remembered, that neither the speech from the throne, nor the declaration expressed any intention in the British government to be the first in making proposals for opening a negotiation. The fair construction went no farther than to invite the enemy to make the first advances, if they were so disposed. Gentlemen, therefore, have no

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right to feel in any degree disappointed at the delay of the communication, since, in being the first to make any overtures of peace, his majesty's ministers went beyond any pledge they had given, or any expectation that ought to be entertained. It has farther been objected, that those proposals must be insincere, because it did not appear that on this occasion we had acted in concert with our allies. A sufficient answer to this may be given by the peculiar circumstances of affairs, the lateness of the season, and those communications being cut off, by which we and our allies were before enabled to maintain a ready intercourse. They are, however, as much mistaken in their facts, as they are in their inferences for this step was not taken without previous communication with our allies, and we acted in concert with them, though they were not formally made parties to the proposal. Another proof, it should seem, of our insincerity is, that, in the message alluded to, we did not recognize the republic. It is truly generous in the right hon. gentleman, to find out an objection for the French which they themselves did not discover. We had the answer of the Directory to our note, and they took not the least notice of the republic not having been recognized. If that had been an indispensable form, without which they considered themselves insulted, their natural conduct would have been to give no answer at all. On this point of recognition, however, the right hon. gentleman is always extremely tender. He holds up the example of America to us, as if it was an instance that had any application to the present question. The right hon. gentleman boldly contends, that if we had paid the French government this mark of respect and confidence, it would have induced them, in return, to propose more moderate terms. I am, however, very far from expecting any such effect; for, in fact, the government of France never seemed to think of it. I do not consider the omission as an act of hostility, and they must be aware that the proposal to treat in itself implied a recognition, without which it was impossible that a treaty should be concluded. Another argument of insincerity is, that we did not propose terms to the enemy, while we called upon them for theirs. This I conceive to be that which we had no right to do; the application did not come from the enemy, it was made on our part, and it would have been ridiculous to propose any particular terms to them, till we were informed whether they were willing to treat at all. It has also been alleged that we must have been insincere, because when we employed the minister at Basle to make this application, we did not at the same time give him the power to negociate. It was extraordinary indeed, that an observation of this kind should be urged by any person who professed the slightest acquaintance with diplomatic proceedings. Was it ever known that the person employed to sound the disposition of a belligerent party, was also considered as the proper minister for discussing all the relative interests, and concluding a treaty? The gentleman through whom the communications were made at Basle, is perfectly qualified by his talents, his zeal, and his integrity, to conduct any negotiation; but whatever may be his character, it would be the height of folly, to entrust the management of a negotiation of such moment to the discretion of an individual at such a distance. We wished to avoid any thing which could excite the slightest suspicion, that we were disposed to a separate negotiation, which was what France would wish, and what was her uniform aim during the present contest. This was a policy which in some instances was too successful with some of our allies, and which enabled her to enforce on them successively more harsh and unequal conditions. It was with a view to the same open dealing, that it was thought proper to publish to the different courts of Europe the message and the answer, that the world might judge of the moderation or the allies, and the arrogance of the enemy.

There is one ground of insincerity which I believe the right hon. gentleman did not state; but which the directory rested upon, principally, in their answer. This was the proposal for holding a general congress. How this could support the charge of insincerity, I am at a loss to conceive. The British government pointed out the mode of pacification. This the enemy thought proper to decline and to reproach, but did not attempt to substitute any other mode by which the object was likely to be obtained. So far from projecting any thing which could even justly be an object of suspicion, ministers had preferred that of a congress, which was the only mode in which wars

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were concluded in all cases wherein allies were concerned, ever since the peace of Munster, the two last treaties only excepted. This charge of insincerity was represented by the right hon. gentleman as the probable cause of the exorbitant terms demanded by the enemy. In my humble apprehension, the extravagance of their terms leads to an opposite conclusion, and proves that the plea of insincerity is with them only a pretence. If they really thought ministers insincere, their policy would have been to make just and moderate demands, which, if rejected, would exhibit in the face of the world, that want of candour and that appetite for war, which the right hon. gentleman so unjustly attributes to us. But having, in fact, no disposition for peace, the government of France offered us such terms as they knew could not be complied with. But, however, the spirit of this country may be roused, and its indignation excited, by the exorbitant conditions proposed to it by the enemy, yet even these extravagant pretensions should not induce us to act under the influence of passion. We have long waited for the return of reason in our deluded enemy, and whenever they shall descend from those inadmissible projects which they seem to have formed, we shall still be ready to treat with them upon fair and honourable terms. We do not shut the door against negotiation whenever it can be fairly entered upon; but the enemy so far from meeting us, say plainly they cannot listen to any terms, but such as in honour we cannot accept. The terms of peace which the right hon. gentleman pointed at, and which, after all, he considers as very disadvantageous, are, that the French may retain their conquests in Europe, and that we should keep our acquisitions in the colonies. What, however, is the proposal of the Directory? No less than this: that every thing should be restored to them, and that they in return shall give up nothing. It is also urged by the right hon. gentleman, that we were to blame in so abruptly breaking off the negotiation, and communicating the result to the world. To this I answer, that the terms proposed by the enemy cut short all farther treaty; and as to the communication of the result, it will have the important consequence of dividing the opinions of France, and uniting those of England.

After a short reply from Mr. Fox, the House divided:

Tellers.

Yeas	Mr. Whitbread General Tarleton	42
Noes	Mr. J. Smyth Mr. Sargent	216

So it passed in the negative.

List of the Minority.

Antonie, William Lee	Macleod, general
Aubrey, sir John, bart.	Miller, Patrick, jun.
Bouverie, hon Edward	Milner, sir W. M.
Burch, Jos. Randyll	North, Dudley
Byng, George	Plumer, William
Colhoun, William	Rawdon, hon. John
Courtenay, John	Russell, lord John
Crewe, John	Russell, lord William
Fitzpatrick, R.	St. John, hon. S. A.
Fletcher, sir H. bart.	Sheridan, Richard B.
Foley, hon. Edward.	Smith, William
Fox, rt. hon. Charles J.	Spencer, lord Robert
Francis, Philip	Sturt, Charles
Grey, Charles	Taylor, Michael A.
Hare, James	Townshend, lord John
Harrison, John	Vyner, Robert, jun.
Howard, Henry	Western, Charles C.
Hussey, William	Wharton, John
Jekyll, Joseph	Wilbraham, Roger
Jervoise, Clerke Jervoise	Wyndham, Henry P.
	Tellers.
Kemp, Thomas	Tarleton, general
Lechmere, Edm. jun.	Whitbread, Samuel
Long, Samuel	

A motion, couched in the same terms, was this day moved in the House of Lords by the earl of Guilford. It was supported by the dukes of Bedford and Grafton, the marquis of Lansdown, and the earl of Lauderdale; and opposed by lords Sydney, Hawkesbury, Fitzwilliam, Grenville, and Mulgrave. It was negatived, on a division, by 110 to 10.

Debate on the Earl of Lauderdale's Motion respecting the State of the Public Finances.] May 13. The Earl of *Lauderdale* rose and said:—My lords; when we reflect on the manner in which the modern system of European politics has implicated the finance of every country with the nature and existence of its government, the review of the comparative state of the public income and expenditure forms, perhaps every where, the most important object that can occupy the attention of the politician; but in this country, and in the critical situation in which we are involved by his majesty's ministers, a more interesting subject of investigation never was presented to any public assembly. Unaccustomed till of late to attend to the minute details of finance,

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and compelled by a sense of duty to advance opinions in direct opposition to those who profess to have spent their lives in the study of this intricate science; I should be confident indeed if I did not feel some apprehension in submitting my opinions to their criticism, and to your lordships' consideration. Before I proceed to call your attentions to the papers which were moved for by my noble friend (the marquis of Lansdown), a recollection of the mode in which his conduct was commented upon in this House, and of the authentic manner in which these comments have been since handed to the public, makes it necessary to state to your lordships the futility of the insinuation, that the noble marquis did not in his motion agitate the subject you were led to expect, and to explain to you the reasons why it falls to my lot to discuss before you the expenses of the present war, and the debts and revenues of this kingdom. It must be in the recollection of your lordships, that the principal object held out to you by the noble marquis, when he originally mentioned this subject in your House was, the departure from that system of economy so strongly enforced in the reports of the commissioners of accounts. When he arraigned the measure, it was natural for him to wish to present to your lordships view, the consequences that ensued from it. It was in this point of view that my noble friend moved for the papers on your table, that you might see the fatal effects of the departure from those regulations, and of the contempt of those salutary restraints which the forms of parliament and the law of the land have placed on the public expenditure. But when he saw the extent of the materials on the table of the House, he judged, and judged well, that to comprise the whole of the subject in the discussion of one day would have been inconsistent with that desire he had of exhibiting to the public, in the clearest and most distinct point of view, topics so materially interesting to the welfare, perhaps to the existence, of the state. The division my noble friend adopted was that which naturally presented itself:—to discuss, in the first instance, the causes of our calamities; and, in the second, to exhibit the effects they have produced. As the more important consideration, he called your attention to the first of these subjects; I regret for the sake of the public, that the partiality of my noble friend has placed the second in my hands. This arrangement however of the business was the course that prudence would have dictated to any man; and it must have more forcibly suggested itself to the noble marquis, who could not but recollect the pains and the attention which he, as well as the late marquis of Rockingham, bestowed, at the close of the American war, on the means of preventing such abuses in future; who must have seen with astonishment, the total deviation from that solemn pledge which he, in conjunction with the present first lord of the treasury, gave to the public in the speech which they put into the mouth of their sovereign in the year 1782.*

The topics my noble friend upon that day discussed before your lordships, though flippantly undervalued in the commencement of the speech given to the public by the noble baron,† were of the most grave and important nature. The neglect of the measure recommended by the commissioners of accounts; the total contempt of the Appropriation act; the new institution of barracks; of a secretary of state's office; a transport board, and the additional appointments in every department; the unparalleled amount of extraordinaries in the army and navy, are subjects of such a nature, that to lessen their consequence in the public estimation, was an attempt as bold as it will be inefficacious. But the noble lord, not choosing to meet my noble friend upon such an investigation, quarrels with certain expressions and opinions, which he feels it "a sacred duty incumbent on him to resist, as far as God has given him faculties." These opinions, however, I must observe, with all due respect for the faculties bestowed on him, it will be difficult for him to controvert. My noble friend stated, "that our trade was reduced to a dependence on the very warfare which is fundamentally destroying it; and that our resources were so exhausted as to force us to the wretched expedient of reviving taxes which were a few years since repealed;"—propositions, which the noble baron did wisely to dismiss with epithets, rather than to controvert by argument. It would indeed be difficult to overthrow opinions which must pervade the minds of the people, when they reflect that the war expenditure of last year

* See Vol. 23, p. 204.

† Lord Auckland. See his Speech at p. 1052.

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amounts to a sum almost equal to the total value of both the imports and exports of this country in the year 1787; and when they recollect that since the commencement of the present war, taxes have been laid on commodities on which the duties had been lowered to the extent of 1,952,000*l.* Yet in the speech given to the public, with little more than a few exclamations of disgust at the opinions of my noble friend, is all that mass of important matter, detailed to you upon a former occasion, passed over without animadversion. I confess it excites my curiosity, to see whether the noble lord will this day as flippantly condemn, and as superficially investigate, the less important considerations which it falls to my lot to submit to you.

My lords, it is only when compared with the subject my noble friend brought before you, that, in speaking on the detail of our finances, I can think of using the term "less important." For those who have considered how fatal to the interior policy of every government derangement in finance has proved; who recollect the conspicuous share which it had in producing the fall of the Roman empire; and who have seen its recent effects in the origin and progress of the French Revolution, must sympathise with me in saying, that there is no subject I can consider more interesting, except the causes that have fatally produced the gloomy prospect which the unpleasant duty of this day will oblige me to display. We in this House are accustomed to hear noble lords in office dilate upon a subject which, on my conscience I believe, there is no one in this country but themselves who would think of introducing: I mean the advantages this nation has acquired in the present war, and the successes that have attended our arms. But, I believe, even amongst them, there is not one who will be disposed to compare our successes with those of the French in the war ending with the peace of 1783; yet the derangement of their finances (created in the moment of their greatest prosperity, exhibiting a deficit smaller than what I am afraid truth will compel me to state to your lordships as existing in this country) levelled a prouder nobility than that I have the honour to address, and a clergy in power and opulence far surpassing those I see before me. When we look back to those times, we derive also, from a recollection of the situation of this country, lessons that ought to be useful to us at the present moment. Was it the success of the French arms that reduced us almost to sue for peace to the enemy? No, my lords; there is no man who does not remember, that, to the credit and honour of our navy, at no period of our history were its successes more brilliant and glorious. The fatal and careless profusion in our expenditure, which distinguished that period, was in reality the sole cause of the humiliating situation of that day. Amongst the many who then loudly censured the extravagance and profuse expenditure, there was none who with more relentless and unforgiving rancour condemned the conduct of those who had occasioned it, than the present minister. From his affected purity, from the solemn pledges he had given in the Report of the committee of the House of Commons on finance, of which he was a member, and in the speech made by his majesty in the year 1782, when he was a minister, we had reason to expect something more of caution and economy in the conduct of our expenditure. Unfortunately however for this country, the evils then complained of, and principally censured, have in this war been carried, under his auspices, to an extent unparalleled in the annals of that era. The money voted by parliament on estimate in the last three years of the war, has not only far exceeded what was voted in the first three years of the war with France, Spain, Holland, and America; but that expenditure, by means of votes of credit and extraordinaries, so much censured as the cause of our difficulties, has been carried to a far greater and more alarming excess. In three years ending 1780, the total estimated expense of the army, navy, and ordnance amounted to 27,160,000*l.* In the three years including 1795, the expense voted by estimate amounted to 35,514,601*l.*. But the excess is proportionably much greater in the money expended without an estimate being previously submitted to parliament; for we have the mortification to see, that the total amount of unestimated expense in the three year sending 1780, was 19,174,804*l.* whereas in the three years ending 1795 it had arisen to the enormous sum of 31,386,730*l.* making an excess of upwards of twelve millions in this latter period, expended in the manner which was stated as so alarming, and which is considered by the best-informed men who have treated upon

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the subject, as so destructive of all parliamentary control, and constitutional principles. The consequences have been such as we might naturally expect. In proportion as the neglect of forms and the relaxation from the regular parliamentary mode of providing for the public expenditure have increased, the enormous expense of the war, in which we have been involved, has augmented: the expenses of the American war up to the year 1781 amounted to the sum of fifty-three millions; but we have now to regret that in the prosecution of the present we have already created an addition to our funded debt of 93 millions, and loaded the people of this country, oppressed with taxation, with the additional sum of 4,500,000*l.* annually.

Under these circumstances it was with astonishment I heard detailed to your lordships, with surprise I have seen handed to an oppressed people, a consoling statement of certain public circumstances in the years 1795-6, when compared with the years 1783-4. On the fairness of the selection of the year 1783 for such a comparison I shall have much to say to your lordships; at present I shall only remark, that whether fair or unfair, it was admirably suited to the convenience of the noble lord who made the statement. Had he selected any of the years during the last war, we should have been able to have quoted his own authority for the flourishing situation of the finance at that time and to have contrasted it with the opinions he holds on the state of the finance at present. In 1789, the noble lord taught us to believe, "that the rise in the excise and customs, evincing the extent of home consumption, implied an increasing produce and a quick circulation; and that every known criterion as well as every external appearance concurred in proving the quantity of money within the country to be unusually great."* In 1783, however, the noble lord passed a transient moment with us in opposition; and the impression under which his notes of that day were formed, whilst it renders them convenient for his present purpose, will perhaps account for the sort of statement he has produced. For though the noble lord declares "that it was not his wish, even if he had power to accomplish it, to lead you or the public into opinions of the situation of the country more favourable than the truth would justify;" I must assert that a statement more strained in its items, more calculated to deceive by its result, never was exhibited upon any occasion. He begins by calling your lordships' attention to a comparison of the price of 3 per cent consols at these two periods. Perhaps it may occur to you, that as he selected the 2nd of May, 1796, he might have looked at the price of stocks on the 2nd of May, 1783, before he proceeded to state the price of 3 per cents January 1784. Perhaps you may with me think, that in the beginning of this comparative statement he might have at least suggested, that in May 1783, the price of three per cents actually was 68. But I am sure you will agree with me in thinking, that in contrasting the price of India stock at these two periods, he exhibits to us consistency, and displays a continuation of the same disposition to fairness, in totally neglecting to state, that in May 1783 the price of India stock was 138; and that the East India company, authorized by parliament, and enabled by the sums of money called in from the proprietors, have since that period increased their dividend 2¼ per cent. So that, if the increase arising from the additional dividend was taken from the present price of the stock, it would leave it on the second of May 1796 somewhere about 168; and instead of exhibiting an account of India stock 1784 at 121, and in May 1796 at 209, he must have suggested that the price of India stock was 138, and that, independent of the augmentation of dividend, it could not be fairly stated in May 1796 at more than 168.

The noble lord next proceeds to state to you the increase of exports and imports that has of late years taken place. I know it is a favourite doctrine to build conclusions on the state of our commerce and revenue upon this ground; but I much doubt the solidity of them. Without commenting on the known inaccuracy with which these accounts, more particularly that of our exports, are formed, there is much in the present circumstances of the country, and in the reduced trade of our enemy, that leads me to think it a temporary and not a permanent augmentation. The total value of the exports and imports in 1795, exceeds the total value of the exports and imports in 1791 by seven millions; but instead of finding that there has

* Lord Auckland's Letter to lord Carlisle.

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arisen from this any increase of revenue, the taxes existing in 1791 have fallen short in the year 1795, to the extent of upwards of 800,000*l.* With regard to the cotton wool, the importation of which has so much increased, one would have imagined that, in this instance at least, the fact might have satisfied the noble lord; but instead of five millions of pounds, which he states to be the annual importation for five years, I think I can say from some authority, that the importation in 1783 was 7,800,000*l.*; and that the average importation of the five preceding years exceeded considerably seven millions of pounds.—On the noble lord's statement of the exports of British merchandize to India, I have only to say, that if I recollect right, the exports of British merchandize 1795—6, were computed at 1,100,000*l.*, instead of 2,200,000*l.* Without entering into any minute details of the affairs of the East India company, let me only suggest to the noble lord, that the improvement made in the stock, per computation, amounts since 1783, to 2,765,783*l.*: the receipt of the company from the proprietors during that period is nearly five millions — a circumstance which gives no very favourable impression of the great improvement in the affairs of the company since 1783.

The next subject to which the noble lord has adverted, is a comparison of the amount of the permanent taxes on a three years average to the 5th of January 1784, with what he calls the amount of the same taxes, after making "allowances for the intermediate changes and arrangements of the revenue," on a three-years average to the 5th of January 1785. The former he states to be 9,876,000*l.*, the latter, 12,381,000*l.* I should have conceived that, if in other respects this species of comparison had been unexceptionable, it might have occurred to the noble lord, that the public could see no great cause of triumph in the revenue of the country producing something more in the three first years of this war, with all the improvements in our manufactures, than it did in a period of three years when we were reduced by a six-years war, the most general in which this country was ever engaged, and before the tide of commercial transactions could have resumed its wonted channels. But it requires little examination indeed to discover, that this article in the noble lord's comparative view of circumstances, is framed in the spirit which animated him in forming for your lordships' information those on which I have already had occasion to comment. The existing taxes before the American war, on an average of nine years to Michaelmas 1782, produced 8,144,000*l.* In the year ending Michaelmas 1782, the produce of the same taxes was 7,897,000*l.*; and in one year ending Michaelmas 1783, they produced only 6,933,000*l.* Thus, in the commencement of the three years with such impartiality selected for this comparison, we find that the produce of the old taxes had decreased 246,000*l.* below their produce on an average of the nine antecedent years. And towards the conclusion of these favourite three years the produce of the same taxes fell short 1,210,000*l.* In one respect I think it was inconsistent with the noble lord's circumspection and prudence to call your attention to the produce of the taxes at this particular period. For when the public recollect, that this great diminution of upwards of one million in the produce of the revenue happened immediately on the conclusion of the last peace, perhaps they may anticipate with some degree of dread what will be the probable situation of our revenue, when peace shall be restored to this exhausted country.

The next consoling circumstance which we are called to contemplate is the navy debt in December 1783, and on the 2nd of May 1796. The first is stated by the noble lord to be 15,510,000*l.*, the last 2,300,000*l.* How this sum can be fairly stated as the existing navy debt, I am at a loss to discover. The sum left unprovided for Dec. 31st, 1795, is equal to the existing navy debt in December 1792, which was somewhere about 2,700,000*l.* The bills registered on the course of the navy, between the 31st Dec. 1795 and the 31st March 1796, amount to the sum of 2,800,000*l.* But if the noble lord, instead of selecting the 2nd May 1796, had made the comparison between the navy debt outstanding Dec. 1783 and Dec. 1795, it would have presented to your lordships eye, and that of the public, a very different account. You would have seen that, if at the former period it was 15,500,000*l.*, it amounted at the latter to 13,800,000*l.*, and if he had chosen by anticipation to have given your lordships' a view of what may be the probable

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state of the navy debt in Dec. 1796, if it increases in the same proportion in which it appears to have increased by the papers before you during the first three months of the present year, it will then, together with what was left unprovided for at the end of last year, amount to 18,900,000*l.* Indeed, the noble lord must know, that in selecting the 2nd of May 1796, he has chosen almost the day of the year the most favourable for this strange comparative account of the navy debt.

In the comparison the noble lord has made of the bank advances to the public, afraid lest in any one instance the year 1783 should have the advantage, however inconsiderable, of the year 1796, he has provided himself with a private account of the amount of advances May 2nd, 1796; for if he had confined himself to the various documents before parliament on this subject, he would have been obliged to have stated to you that the advances made by the bank amounted on the 12th Sept. 1795 to 11,800,000*l.*; on the 9th Dec. 1795 to 12,200,000*l.*; and on the 31st December to 11,600,000*l.*: in every instance exceeding the amount of the advance in 1783. In stating the advances of the bank in 1783, the noble lord has not explained whether he included the navy bills at that time in possession of the bank. If he did, your lordships will easily see that, to make the comparison with any degree of fairness, there must be a farther sum added to the balances in 1795 equal to the amount of the value of navy bills at that time in the possession of the bank.

My lords, the next article in this account exceeds every thing on which I have hitherto had occasion to remark. The unfunded debt is represented as amounting in January 1784 to 27 millions—May 2nd 1796 it is stated as nothing. What, then, has become of the balance of 11 millions due to the bank? Has he totally forgotten, that after all his strained ingenuity in frittering down the existing navy debt, he has confessed that the sum due May 2nd 1796 is 2,300,000*l.*? But let me once more entreat your lordships attention to a plain statement of what would have been the shape of the account, if the noble lord had selected for his comparison the same month in 1796 he had chosen in 1784. In January 1796 the articles of navy debt, bank advances, arrears due to the army, and the deficiency of the consolidated fund, alone amount to 27,500,000*l.*; exceeding by five hundred thousand pounds the total of the outstanding unfunded debt in January 1784: which your lordships will permit me to remind you was after the conclusion of a six-years war of notorious and reprobated extravagance. —The sinking fund is the next object to which your attention is called. In 1783 you are told there was no sinking fund; in 1796 you are informed it amounted to 2,500,000*l.* If at either period a sinking fund is talked of to hold out an idea of surplus, it can only tend to deceive. In 1783 there was a thing called a sinking fund, and in 1796 there is a thing called a sinking fund; but in reality, instead of possessing any surplus in the former year, there was a loan of twelve millions; in the latter, two loans amounting to 27,500,000*l.*

I now come to the concluding and undoubtedly the most important article in this comparison. The noble lord states "the amount of revenue (including the land and malt) below the computed expenditure on a peace establishment of fifteen millions in 1783 at two millions. And the amount of revenue (including the land and malt) above the computed expenditure on a similar peace establishment, with the addition of increased charges for the debt incurred by the present year 1795, 3,400,000*l.*" This statement derives its importance not so much from the comparison it exhibits, as from the fact it advances, that if we were fortunate enough now to experience the blessings of peace, there would be an actual surplus of 3,400,000*l.* Before, however, I proceed to exhibit the fallacy which this holds forth, I must detain your lordships by remarking on the form of the proposition and on the nature of the premises. I am disposed to censure the form of the proposition, because it holds out to you, for the first time since the sinking fund has been established, that its produce is to be deemed a surplus disposable like any other surplus at the will of parliament; instead of considering it, as it hitherto has been, and I trust, ever will be treated, as forming as much a part of our necessary expenditure as the navy, army, or ordnance. With the premises upon which this proposition proceeds I cannot agree; for I can conceive nothing more calculated to delude, than to state that there exists a possibility of our peace expenditure amounting to so small a sum as

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fifteen millions. The noble lord must know that the committee of the House of Commons, in 1786, reported that the peace establishment, including the sinking fund, would be 15,478,000*l.*; and the committee saw no prospect of the affairs of the country being in such a situation as to get upon this peace establishment till the year 1791, that is, the eighth year after the conclusion of the late war. But when the year 1791 arrived, the noble lord knows that another committee of the House of Commons declared they did not conceive a possibility of forming a peace establishment that should cost less than about sixteen millions annually; and that instead of foretelling the period, as the former committee had done, when the country could confine its expenditure within so narrow bounds, they did not even pretend to foresee the time when our expenses could be so far diminished. When the noble lord states fifteen millions to you as your probable peace establishment, he knows also, or he ought to know, that the average annual amount of our expense from 1786 to 1791, as stated in the report of the House of Commons, was 16,816,985*l.* Yet in the face of all these facts, the noble lord holds out the prospect of your entering on an immediate peace establishment of fifteen millions. The papers on your table not only prove that the revenue has fallen off from year to year, but even from quarter to quarter. I must, therefore, submit to your lordships, that when we perceive this gradual and constant diminution, the accurate mode of estimating the produce of a future year would be to suppose, that as the same cause exists, a diminution may probably take place in the next year proportionable to that which took place in the last. Calculated on this principle, the total receipt of the old taxes will only amount to 12,623,583*l.*; to which if you add the share of the 53d week, the various sums arising from old duties included in the new taxes in the statement now on the table, and the bounties paid to seamen out of the customs, the probable produce of the revenue, including the land and malt, as estimated by the committee, will be 15,531,583*l.*; and this, my lords, is the total of what I think I can fairly state to the public, independent of the new taxes, as applicable to the future peace expenditure.

In offering to your lordships my conjectures concerning our future expenses, I must remind you that I have already stated my reasons for thinking it absurd to speak of fifteen millions as our probable expenditure if the blessings of peace were restored to us, and the grounds on which I conceive that the lowest estimate I can with justice make of our last peace establishment is not what the committees fancied it would be, but what it actually proved to be on an average of five years, 16,816,000*l.* In estimating, however, our future expenditure, we must add the sum of 200,000*l.* annually voted for the sinking fund, and a sum of at least 500,000*l.* additional peace establishment, which the increased half-pay of the army, and all the various new establishments must render absolutely necessary. Your lordships will then perceive, the annual peace expenditure being 17,500,000*l.*, and the annual receipt only 15,500,000*l.*, there will be a deficiency of two millions. There is also a deficiency in the new taxes of more than 500,000*l.*; which, added to the two millions, makes in all a probable deficiency of 2,500,000*l.* This must be provided for, could we suppose that we have already borrowed a sufficiency, if peace should be restored in the course of a few months, to discharge the necessary expense in winding up the concerns of the war; but I am afraid there is no reason to indulge such a hope. I am convinced that your lordships must, on the contrary, think that I mention a sum far inferior to what will in reality be required, when I state the probability of ten millions more being found necessary. This will create a farther deficiency of upwards of 600,000*l.* making in all a deficiency to the alarming extent of 3,119,000*l.* Large as this sum may appear, I wish I could even stop here; but when I know that the expense of the war last year exceeded 31 millions, and that it is impossible, in a country where every species of property is so largely taxed, that money can be expended without contributing to the revenue, I must call your attention to the probable effect on the revenue of withdrawing the war expenditure. I know this idea has been attempted to be ridiculed; but till some of your lordships will deign to show the possibility of the smallest expenditure taking place in this country without augmenting the revenue, I must continue to believe that a very large sum, even of the present diminished receipt, arises from the expenses occasioned by the war, and that a formidable diminution must take

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place when it is withdrawn. Is this all theory and speculation? Or are there not practical proofs of the truth of what I assert? I can hardly suppose the noble lord selected the year 1783, to compare against the year 1796, rather than the year 1781-2, or any of the antecedent years of warfare, without examination. He, I doubt not, had discovered that the taxes fell, on withdrawing the expenditure of the American war, far above a million annually; yet the war expenditure never then much exceeded twenty millions; at present it considerably exceeds thirty millions: the permanent taxes were then little more than ten millions; at present they are much above fifteen. Should the revenue now diminish in proportion to the excess of the expenditure and the excess of the permanent taxes as there is but too much reason to apprehend it will, this would create a farther deficiency of upwards of 2,500,000*l.* But if it only amounted to 1,500,000*l.*, that, together with the sums I have already stated, will create a deficiency of no less than 4,600,000*l.*; an alarming prospect of the situation of the country, but such as is authorized by reason and supported by proof. If, unfortunately, the present calamitous contest be protracted for another year, it must make a melancholy addition to this statement: we shall then be under the necessity of providing for a sum equal to the war expenditure of the preceding year, which must occasion a farther addition to the burdens of the people of nearly two millions.

Though I have felt it my duty, my lords, to make this statement to your lordships, yet, in the resolutions I shall submit to this House, I do not mean to propose to you any thing that can be deemed of an hypothetical or speculative nature. Most of the resolutions only recite facts upon which there can be no difference of opinion. And if these facts are clear and indisputable, the inferences drawn in the resolutions are such as your lordships cannot with propriety reject. I am perfectly sensible, that in discussing the state of our revenue, I subject myself to much calumny. I know there are those who will assert that such statements can only serve as an encouragement to our enemies, who will consider it as likely to promote in them an inclination to continue this unfortunate war, or to insist upon unreasonable conditions of peace. To prevent the calumnies of the malicious is impossible; but I should be sorry indeed not to feel satisfied in my own mind that the source of every insinuation of this description must be evident. Can we really suppose, if the situation of our revenue was even more desperate than I have stated to your lordships, that our enemies would from thence conclude our exertions were likely to be diminished in war? No, my lords; the French of all nations are the last who can think that derangement of finance can impede exertion against external enemies: they must have benefited little indeed by the experience of their own situation for the last three years, if they can flatter themselves that derangement or even the ruin of successive systems of finance can check the exertions of a country against its enemies. Whilst I have therefore the happiness to think that by such investigations I can do no injury, I have the satisfaction to feel, that by laying open the situation of the finances of the country I have the prospect of doing much good. For if in this age we have learnt that derangement of finance constitutes no impediment to the exertions a nation may display against its enemies, we have had awful experience of the fatal effects attending it on the interior government of a country. It is to the public, who are in possession of this knowledge, I wish, through the statement I have made, to appeal; for, from the minister I expect nothing. He indeed has had the direction of the revenue at a time when he might have done more honour to himself, and entailed more important benefits on his country, than any man ever had an opportunity of doing. But who can reflect upon the management of the finances of this nation without regretting the infallible evidence of incapacity it exhibits—without feeling for the ill-placed pusillanimity that prevented some of those taxes which the war has rendered necessary from being brought forward at the commencement of the last peace—a measure that would have insured to the country all the benefits it must have derived from adopting those improved plans for liquidating the national debt submitted to the government by the late Dr. Price. But the timidity that prevented the imposition of taxes for the beneficial purposes of extinguishing the debt, has totally vanished when the mischievous expenses of warfare are to be provided for. Annual additions have been made to that sinking fund which it was thought

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formerly impracticable to augment; leaving us but too just reason to conclude, that however the public may look forward to it as affording the only probable prospect of future relief to the people of this country from the oppressive taxes to which they are subjected, the government of the country regard it as an engine by which they may with the greater facility augment our debt, and consequently increase our burthens. That it has this effect is certain. No man can look at the price of our funds, at the sums of money which have been borrowed, and the interest which has been paid for it, without being convinced of the operation of the sinking fund in this point of view. In wise, in cautious hands, who could be encouraged to involve the country in none but expenses of absolute necessity, and those conducted with frugality, this might be considered as one of the most advantageous circumstances of this financial system; but it affords a melancholy object of contemplation to perceive, that the favourite point of view in which our ministers regard it is, the facility it gives the carrying on with unprecedented profusion a contest, which, as it derived its origin from their prejudices, owes its continuation to their pride and obstinacy. In the hands of a rash and unthinking artist, the perfection of the machinery only enables him to do the greater degree of mischief! and it is that your lordships and that the public may be convinced of the extent of the mischief already done that I recommend to your most serious consideration the following resolutions:

1. "That it appears to this House, that the amount of the Funded Debt incurred during the present war is 93,846,000*l.*

2. "That the sum voted for the service of the present year (exclusive of the Civil List and interest of the National Debt) amounts to 33,262,360*l.*

3. "That the amount of permanent Taxes imposed during the present war is 4,423,351*l.*

4. "That a sum of ten millions, on the conclusion of the war, must be raised for the discharge of Arrears and other incumbrances, the interest of which, including the provision to be made by the 33 Geo. 3rd, c. 55, will amount to 600,000*l.*

5. "That the sum of 200,000*l.* is annually voted by Parliament to be added to the fund for the reduction of the National Debt.

6. "That the probable increase of the peace establishment, at the conclusion of the present war, will amount to 500,000*l.*

7. "That the annual peace expenditure, calculated on an average of five years, ending 5th January 1791, and including the sum annually applied to the reduction of the National Debt, amounted to the sum of 16,816,984*l.*

8. "That the above-mentioned sums of 16,816,984*l.*, 500,000*l.*, 200,000*l.*, 600,000*l.*, and 4,423,351*l.*, making together the sum of 22,540,335*l.* must be provided for, as the lowest future peace expenditure which can be estimated, even supposing the war to conclude with the present year.

9. "That the total produce of taxes for the year ending the 5th April 1796, deducting an occasional payment for the stock of wine on hand, amounted to 15,603,285*l.*

10. "That the estimated produce of the new taxes imposed in the present session is 1,678,000*l.*

11. "That the land and malt taxes are calculated by a committee of the House of Commons to produce the sum of 2,558,000*l.*

12. "That calculating the amount of the taxes existing previous to the war, to produce the same on the return of peace, as they did on an average of four years immediately preceding the war, an improvement in the present revenue may be expected to the amount of 757,480*l.*

13. "That the above-mentioned sums of 15,603,285*l.*, 1,678,000*l.*, 2,558,000*l.*, and 757,480*l.*, making together the sum of 20,596,765*l.*, afford the only resources at present existing, which can be stated as applicable to the future peace expenditure; and that the sum of 1,943,570*l.* being the difference between the future peace expenditure, estimated as above at 22,540,335*l.*, and the future peace income, estimated as above at 20,596,765*l.* will remain to be provided for.

14. "That the sum of 500,000*l.* is annually due from the East India Company to the public, provided that a certain surplus profit arises to the said Company, after discharging the whole of their regular payments; but that no payment on the above account has been received by the public, since the 1st of April 1794.

15. "That a lottery may be estimated to produce a sum of about 250,000*l.*"

The first Resolution being put, lord Auckland entered into a defence of his

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speech of the 2nd instant. The Resolutions were supported by the earl of Moira and the marquis of Lansdown, and opposed by lord Hawkesbury, who moved the previous question thereon, and also by lord Grenville. The previous question being put, was agreed to without a division.

Protest against the Legacy Duty Bill.] May 17. The Earl of Lauderdale introduced a bill to suspend the operation of the collateral legacy bill until the 1st of January next, that their lordships might have an opportunity of preventing that injustice, which must ensue, if the one sort of property was to be taxed, and the land was not. In naming the 1st of January, he did not mean by that to say, that the bill ought ever to be in force; he thought it the more objectionable of the two, as a tax on capital was more mischievous than a tax on landed property; but he was certain that ministers must call parliament together long before Christmas, when the bill might be repealed *in toto*. He then moved, that the bill be read a first time. This being done, the lord chancellor said, that by the standing orders, a bill, after it had passed, could not, in the same session, be either repealed or altered. He should therefore move, that the bill be rejected; which was agreed to. The Earl of Lauderdale then entered the following Protest on the Journals:

"Dissentient,

1. "Because the tax on collateral succession to personal property is, in its operation, a tax on capital instead of income; and consequently may impress, at this critical period, other nations with the idea, that all the regular and legitimate objects of taxation are exhausted in this country.

2. "Because it is obviously unjust thus deeply to tax on succession, the one denomination of property, and wholly to exempt the other.

3. "Because greater inconvenience and injury may arise to individuals from a public exposure of the circumstance and amount of their personal property, especially when the same is employed in commerce, than can possibly accrue from making a like statement of the value of their estates.

4. "Because, if there be, as his majesty's ministers have so frequently asserted, discontented spirits in the country, this partial impost will arm with a fact their declamations against the inequality of law; the hardships which press on some parts of the community, and the exemptions by which others are favoured.

(Signed) "LAUDERDALE."

The King's Speech at the Close of the Session.] May 19. His Majesty put an end to the Session with the following Speech to both Houses:

"My Lords and Gentlemen;

"The public business being now concluded, I think it proper to close this session; and, at the same time, to acquaint you with my intention of giving immediate directions for calling a new parliament.

"The objects which have engaged your attention during the present session, have been of peculiar importance; and the measures which you have adopted, have manifested your continued regard to the safety and welfare of my people.

"The happiest effects have been experienced from the provisions which you have made for repressing sedition and civil tumult, and for restraining the progress of principles subversive of all established government.

"The difficulties arising to my subjects, from the high price of corn, have formed a principal object of your deliberation; and your assiduity in investigating that subject has strongly proved your anxious desire to omit nothing which could tend to the relief of my people, in a matter of such general concern. I have the greatest satisfaction in observing, that the pressure of those difficulties is in a great degree removed.

"Gentlemen of the House of Commons;

"I must in a more particular manner, return you my thanks for the liberal supplies which you have granted to meet the exigencies of the war. While I regret the extent of those demands, which the present circumstances necessarily occasion, it is a great consolation to me to observe the increasing resources by which the country is enabled to support them. These resources are particularly manifested in the state of the different branches of the revenue, in the continued and progressive extension of our navigation and commerce, in the steps which have been taken for maintaining and improving the public credit, and in the additional provision which has been made for the reduction of the national debt.

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"My Lords and Gentlemen;

"I shall ever reflect, with heartfelt satisfaction, on the uniform wisdom, temper, and firmness, which have appeared in all your proceedings since I first met you in this place. Called to deliberate on the public affairs of your country, in a period of domestic and foreign tranquillity, you had the happiness of contributing to raise this kingdom to a state of unexampled prosperity. You were suddenly compelled to relinquish the full advantages of this situation, in order to resist the unprovoked aggression of an enemy, whose hostility was directed against all civil society, but more particularly against the happy union of order and liberty established in these kingdoms. The nature of the system introduced into France, afforded to that country, in the midst of its calamities, the means of exertion beyond the experience of any former time. Under the pressure of the new and unprecedented difficulties arising from such a contest, you have shown yourselves worthy of all the blessings that you inherit. By your councils and conduct the constitution has been preserved inviolate against the designs of foreign and domestic enemies; the honour of the British name has been asserted; the rank and station which we have hitherto held in Europe has been maintained: and the decided superiority of our naval power has been established in every quarter of the world.

"You have omitted no opportunity to prove your just anxiety for the re-establishment of general peace on secure and honourable terms; but you have, at the same time, rendered it manifest to the world, that, while our enemies shall persist in dispositions incompatible with that object, neither the resources of my kingdom, nor the spirit of my people, will be wanting to the support of a just cause, and to the defence of all their dearest interests.

"A due sense of this conduct is deeply impressed on my heart. I trust that all my subjects are animated with the same sentiments; and that their loyalty and public spirit will ensure the continuance of that union and mutual confidence between me and my parliament, which best promote the true dignity and glory of my crown, and the genuine happiness of my people."

Then the lord chancellor prorogued the parliament to the 5th of July; and on the following day it was dissolved.

FIRST SESSION
OF THE
EIGHTEENTH PARLIAMENT
OF
GREAT BRITAIN.

Meeting of the New Parliament.] September 27, 1796. This being the day appointed for the meeting of the New Parliament, the same was opened by Commission, and the Commons being sent for to the House of Peers, the Lord Chancellor signified, that it was his Majesty's pleasure to defer declaring the causes of assembling the Parliament, until the Commons had chosen a Speaker. He therefore desired them to choose a fit person to be their Speaker, and to present him there for his Majesty's approbation on the following day.

Mr. Addington chosen Speaker.] The Commons being returned to their own House,

Lord *Frederick Campbell*, addressing himself to the clerk, said:—Mr. Hatsell; In obedience to his majesty's commands, and in the exercise of the ancient and undoubted right of this House we are now assembled for the purpose of electing a fit person to sit in that chair, and to be our Speaker—that is, to establish order, regularity, temper, dispatch, and of course, effect, in all our proceedings; and this at a time when the very being of this country, and the quiet perhaps of all Europe depend upon the wisdom and the result of our deliberations. In looking round this House, we see many men of great abilities, splendid talents, greater abilities than perhaps ever adorned this or any other country. Some there are, who to great abilities have added great industry in searching out the grounds and principles upon which the orders of this House, and the law of parliament have been so wisely framed. Many we know have, and I trust all, in this parliament will have a jealous eye to the rights and privileges of this House. In an assembly so constituted, there cannot be wanting many persons who might fill that chair with credit to themselves and advantage to the public; but in this hour of difficulty and danger, we have no occasion to resort to conjecture—experience is a safe unerring guide. Fortunately, there is a gentleman returned to this parliament, who, year after year, in that

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chair, has shown that he is able to instruct the wisest, and ready to assist the weakest, who in that chair has shown a mind as independent as his fortune—who in that chair has shown a temper not to be ruffled, a firmness not to be shaken; sure presages of rigid uniform impartiality—who in that chair has watched over the rights and privileges of this House, as over the palladium of the liberties of our free constitution, who in that chair———but I will no longer press upon the delicate feelings of a truly great mind, but hasten to make that proposal, which I perceive the whole House are impatient that I should make, namely, "That the right hon. Henry Addington be called to the chair of this House to be our Speaker."

Mr. *Powys* rose to second the motion. To have such an opportunity of paying a tribute of just applause, could be no small gratification to all who entertained those sentiments of private friendship, and of public respect, which he did for the gentleman who was the object of the motion. Yet it was not on the ground of personal attachment to that gentleman; it was not merely on the score of his many excellent, his distinguished qualities that he stood thus forward in his support; no; he rested on much higher grounds, he rested on the collective voice of the Commons of England. "Dignus imperare nisi imperasset," was the character given of a great Roman emperor. That the reverse of that character was ever applicable to the right hon. gentleman, he did not mean to say, but if there were any, who, before his elevation, considered it as too sudden and premature, the voice of the House was completely justified by his conduct immediately after he had been called to the chair. The right hon. gentleman soon convinced the House that it was not on one splendid and brilliant display that he rested the reputation of his talents, but that he had attained a maturity of intellect which could command respect, and an extent of information that applied to every occasion. He had uniformly displayed an integrity the most unshaken, an understanding the most cultivated, a judgment the most enlightened, a knowledge the most comprehensive; and, in the execution of his office, an acquaintance not merely with the rules and forms of this House, but with the constitution of parliament. In all his behaviour he had displayed the utmost impartiality; in explaining difficulties he had ever been clear and satisfactory. He would not enumerate the particular occasions on which the right hon. gentleman had supported, the dignity of the chair and the honour of the House, and the different qualities by which he was recommended to their choice. But if he had maintained the dignity of the House as high as it had ever been carried by the most revered of his predecessors—if in no instance he had endeavoured to suppress the freedom of opinion—if he had never evinced partiality in the exercise of his functions—if his carriage had been calculated to impress the highest respect upon every mind—if his manners had gained the esteem and conciliated the regard, even of those who, unfortunately, were little disposed to agree upon other matters, he would not be thought too sanguine in his hopes of the success of the motion which he had the honour to second.

General *Tarleton* said, he thought a more eligible person to fill the high office of Speaker, could not be found within the walls of the House of Commons. The right hon. gentleman was liberally endowed by nature, and adorned with valuable and classical attainments. The House had had ample experience of the urbanity of his manners, his attention to the business of the House, and his adherence to the principles of the constitution. These were powerful recommendations; for in the forms of the House, and in the dignity of the chair, those who sat on his side of the House, would find the best protection against insolent majorities, and the encroachments of power.

Mr. *Addington* said, that it would have been peculiarly gratifying to his mind, if, consistently with that respect which he owed the House, he could have suffered the motion to pass without any observation. He could not be supposed to be deficient in gratitude to the noble mover, and the hon. seconder; neither could he be insensible to the liberal manner in which the motion had been supported by the hon. general; least of all could he be supposed to be wanting in respect to the House or to the office. What, indeed, could be more honourable than an office conferred by the people, through the medium of their representatives; what more important than an office, whose duties, if well discharged, conferred honour on that branch

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of the legislature more immediately connected with the people? But the office required a combination of talents rarely to be met with. Were he to enumerate them, he was sure that the detail would present very serious obstacles to the present motion. When he looked to the situation and to the nature of it, he felt a deep anxiety, not solely on his own account, but on account of the House itself. The noble lord and the hon. gentleman had been pleased to allude to his former conduct. To that conduct it was impossible for him to advert, without the most grateful recollections. Since the experience of last parliament had been mentioned, he could not omit this opportunity of expressing his sense of the indulgence he had received from it, and of the need which he had of that indulgence. On entering upon the office, he brought with him a firm attachment to the constitution of the country, without which no man was worthy to be a member of that House; and he was free to say, that he had never intentionally swerved from that integrity which it was so satisfactory, on recollection, to have preserved in any situation, nor from that independence which was so necessary in the distinguished situation to which he had been raised by the voice of that House. He would not detain the House any longer, but conclude with expressing his sense of the honour proposed to be conferred on him, and his determination to submit himself to the House.

The House then again unanimously calling Mr. Addington to the chair, he was taken out of his place by lord Frederic Campbell and Mr. Powys, and conducted by them to the chair; where, standing on the upper step, he returned his humble acknowledgments to the House for the great honour they had been pleased to confer upon him, by unanimously choosing him to be again their speaker. And thereupon he sat down in the chair; and then the mace (which before lay under the table) was laid upon the table. Then Mr. Secretary Dundas having congratulated Mr. Speaker elect, moved that the House do adjourn.

List of the House of Commons.] The following is a list of the members of the House of Commons:

A LIST OF THE HOUSE OF COMMONS, IN THE EIGHTEENTH PARLIAMENT OF GREAT BRITAIN, WHICH MET AT WESTMINSTER, THE 27TH OF SEPTEMBER, 1796.

Abingdon, Berkshire.
Thomas Theophilus Metcalfe.

Agmondesham, Bucks.
Thomas Drake Tyrwhitt. Charles Drake Gerrard.

St. Alban's, Herts.
Lord Bingham. T. S. D. Bucknall.

Aldborough, Suffolk.
Sir John Aubrey, bart. M. A. Taylor.

Aldborough, Yorkshire.
R. Muilm. Trench Chiswell. Charles Duncombe.

Andover, Hants.
Benjamin Lethuiellier. Hon. Coulson Wallop.

Anglesea.
Hon. Arthur Paget.

Appleby, Westmoreland.
John Courtenay. Hon. John Tufton.

Arundel, Sussex.
Sir George Thomas, bart. James Greene.

Ashburton, Devonshire.
Sir Robert Mackreth. Lawrence Palk.

Aylesbury, Bucks.
Scrope Bernard. Gerard Lake.

Banbury, Oxfordshire.
Dudley North.

Barnstaple, Devonshire.
John Cleveland. Richard Wilson.

Bath, City of.
Viscount Weymouth. Sir R. Pepper Arden.

Beaumaris, Town of.
Lord Newborough.

Bedfordshire.
Hon. St. Andrew St. John. John Osborn.

Bedford, Town of.
William Colhoun. Samuel Whitbread.

Bedwin, Wilts.
Hon. Thomas Bruce. John Wodehouse.

Beeralston, Devonshire.
William Mitford. Lord Lovaine.

Berkshire.
George Vansittart. Charles Dundas.

Berwick, Northumberland.
Earl of Tyrconnel. John Callander.

Beverley, Yorkshire.
William Tatton. N. C. Burton.

Bewdley, Worcestershire.
M. P. Andrews.

Bishop's Castle, Shropshire.
William Clive. Henry Strachey.

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Blechingley, Surry.
Sir Lionel Copley, bart. John Stein.

Bodmyn, Cornwall.
Sir John Morshead, bart. John Nesbit.

Boroughbridge, Yorkshire.
Sir John Scott. Francis Burdett.

Bossiney, Cornwall.
Hon. J. A. Stuart Wortley. J. Lubbock.

Boston, Lincolnshire.
Thomas Fydell. Viscount Milsintown.

Brackley, Northamptonshire.
John William Egerton. Samuel Haynes.

Bramber, Sussex.
James Adams. Sir C. W. Rouse Boughton, bart.

Brecon, County of.
Sir Charles Morgan, bart.

Brecon, Town of.
Charles Gould.

Bridgnorth, Shropshire.
Isaac Hawkins Browne. J. Whitmore.

Bridgewater, Somersetshire.
George Pocock. Jeffrey Allen.

Bridport, Dorsetshire.
Charles Sturt. George Barclay.

Bristol, City of.
Lord Sheffield. Charles Bragge.

Buckinghamshire.
Marquis of Titchfield. James Grenville.

Buckingham, Town of.
George Nugent. Thomas Grenville.

Callington, Cornwall.
Sir John Call, bart. Paul Orchard.

Calne, Wiltshire.
Joseph Jekyll. Sir Francis Baring, bt.

Cambridgeshire.
James W. Adeane. Charles Yorke.

Cambridge University.
Righ Hon. W. Pitt. Earl of Euston.

Cambridge, Town of.
Robert Manners. Hon. Edward Finch.

Camelford, Cornwall.
W. J. Denison. John Angerstein.

Canterbury, City of.
John Baker. S. E. Sawbridge.

Cardiff, Town of.
Lord James Evelyn Stuart.

Cardiganshire.
Thomas Johnes.

Cardigan, Town of.
Hon. John Vaughan.

Carlisle, City of.
John Christian Curwen. Sir Frederick Vane.

Carmarthenshire.
Sir James Hamlyn, bart.

Carmarthen, Town of.
Magens Dorien Magens.

Carnarvonshire.
Sir Robert Williams, bart.

Carnarvon, Town of.
Hon. Edward Paget.

Castle-Rising, Norfolk.
Horatio Churchill. Charles Chester.

Cheshire.
John Crewe. Thomas Cholmondeley.

Chester, City of.
Thomas Grosvenor. Viscount Belgrave.

Chichester, City of.
Right Hon. Thomas Steele. George White Thomas.

Chippenham, Wilts.
James Dawkins. George Fludyer.

Christchurch, Hampshire.
George Rose. W. Stewart Rose.

Cirencester, Gloucestershire.
Robert Preston. Michael Hicks Beach.

Clitheroe, Lancashire.
Lord E. C. Cavendish Bentinck. Hon. Robert Curzon.

Cockermouth, Cumberland.
John Baynes Garforth. Edward Burrows.

Colchester, Essex.
Robert Thornton. Lord Muncaster.

Corff-Castle, Dorsetshire.
John Bond. Henry Bankes.

Cornwall, County of.
Sir William Lemon, bart. Francis Gregor.

Coventry, Warwickshire.
W. Wilberforce Bird. Nathaniel Jefferys.

Cricklade, Wiltshire.
Thomas Estcourt. Lord Porchester.

Cumberland.
Sir Henry Fletcher, bart. John Lowther.

Dartmouth, Devonshire.
Edmund Bastard. Right Hon. J. C. Villiers.

Denbighshire.
Sir Watkin Williams Wynn, bart.

Denbigh, Town of.
Richard Myddleton.

Derbyshire.
Lord John Cavendish. Edw. Miller Mundy.

Derby, Town of.
Lord G. A. H. Cavendish. Edward Coke.

Devizes, Wiltshire.
Right Hon. Henry Addington. Joshua Smith.

Devonshire.
Lawrence Palk. John Pollexfen Bastard.

Dorsetshire.
Francis John Browne. William Morton Pitt.

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Dorchester, Dorsetshire.
Francis Fane. Hon. Cropley Ashley.

Dover, Kent.
John Trevanion. Charles Small Pybus.

Downton, Wiltshire.
Hon. Edward Bouverie. Sir William Scott.

Droitwich, Worcestershire.
Hon. Andrew Foley. Sir Edward Winnington, bart.

Dunwich, Suffolk.
Snowden Barne. Sir Joshua Vanneck, bart.

Durham, County of.
Rowland Burdon. Ralph Milbank.

Durham, City of.
William Henry Lambton. Sir Henry Vane Tempest, bart.

East-Looe, Cornwall.
John Buller. William Graves.

St. Edmondsbury, Suffolk.
Sir Charles Davers, bart. Lord Hervey.

Essex, County of.
Thomas Burney Bramston. John Bullock.

Evesham, Worcestershire.
Thomas Thompson, Charles Thellusson.

Exeter, City of.
John Baring. Sir C. W. Bampfylde, bart.

Eye, Suffolk.
Hon. William Cornwallis. Mark Singleton.

Flintshire.
Sir Roger Mostyn, bart.

Flint, Town of.
Watkin Williams.

Fowey, Cornwall.
Philip Rashleigh. Reginald Pole Carew.

Gatton, Surrey.
John Petrie. Sir Gilbert Heathcote, bart.

St. Germans, Cornwall.
Hon. William Elliot. Lord Grey.

Glamorganshire.
Thomas Wyndham.

Gloucestershire.
Hon. George Cranfield Berkeley. Marquis of Worcester.

Gloucester, City of.
John Pitt. Henry Howard.

Grampound, Cornwall.
Bryan Edwards. Robert Sewell.

Grantham, Lincolnshire.
George Sutton. Simon Yorke.

Great Grimsby, Lincolnshire.
Ascough Boucheret. William Mellish.

East Grinstead, Sussex.
Nathaniel Dance. James Strange.

Guildford, Surry.
Hon. Thomas Onslow. Hon. Chapple Norton.

Hampshire.
Sir William Heathcote, bart. Wm. Chute.

Harwich, Essex.
John Robinson. Richard Hopkins.

Haslemere, Surrey.
James Clarke Satterthwaite. James Lowther.

Hastings, Sussex.
Sir James Saunderson, bart. N. Vansittart.

Haverfordwest, Pembrokeshire.
Lord Kensington.

Helleston, Cornwall.
Charles Abbot. Richard Richards.

Herefordshire.
Right Hon. Thomas Harley. Rob. Biddulph.

Hereford, City of.
John Scudamore. James Walwyn.

Hertfordshire.
William Plumer. William Baker.

Hertford, Town of.
John Calvert. Nathaniel Dimsdale.

Heydon, Yorkshire.
Sir Lionel Darell, bart. Christ. Atkinson.

Heytesbury, Wilts.
Viscount Clifden. Sir J. F. Leicester, bart.

Higham Ferrers, Northamptonshire.
James Adair.

Hindon, Wilts.
James Wildman. M. G. Lewis.

Honiton, Devonshire.
George Chambers. George Shum.

Horsham, Sussex.
Sir John Macpherson, bart. James Fox.

Huntingdonshire.
Viscount Hinchinbrook. Lord Frederick Montagu.

Huntingdon, Town of.
W. H. Fellowes. John Calvert, jun.

Hythe, Kent.
Sir C. F. Radcliffe, bart. William Evelyn.

Ilchester, Somersetshire.
Sir Robert Clayton, bart. William Dickinson, jun.

Ipswich, Suffolk.
Charles Alexander Crickett. Sir Andrew Snape Hammond, bart.

St. Ives, Cornwall.
William Praed. Sir R. Carr Glynn, kt.

Kent.
Sir Edward Knatchbull, bart. Sir William Geary, bart.

King's Lynn, Norfolk.
Hon. Horatio Walpole. Sir Martin Browne Folkes, bart.

Kingston-upon-Hull, Yorkshire.
Samuel Thornton. Sir Charles Turner, bart.

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Knaresborough, Yorkshire.
James Hare. Lord John Townshend.

Lancashire.
Thomas Stanley. John Blackburne.

Lancaster, Town of.
John Dent. Richard Penn.

Launceston, Cornwall.
Hon. John Rawdon. James Brogden.

Leicestershire.
William Pochin. Hon. Penn Asheton Curzon.

Leicester, Town of.
Lord Rancliffe. Samuel Smith.

Leominster, Herefordshire.
John Hunter. G. A. Pollen.

Leskeard, Cornwall.
Hon. Edw. James Eliot. Hon. John Eliot.

Lestwithiel, Cornwall.
Hans Sloane. William Drummond.

Lewes, Sussex.
Hon. J. C. Pelham. Thomas Kemp.

Lincolnshire.
Robert Vyner, jun. Sir Gilb. Heathcote, bt.

Lincoln, City of.
Hon. George Rawdon. Richard Ellison.

Litchfield, City of.
Thomas Anson. Lord Granville Leveson Gower.

Liverpool, Lancashire.
Isaac Gascoyne. Banastre Tarleton.

London, City of.
William Curtis, John William Anderson, William Lushington, H. C. Combe.

Ludlow, Shropshire.
Richard Payne Knight. Hon. Robert Clive.

Luggershall, Wiltshire.
Earl of Dalkeith. Robert Everett.

Lyme Regis, Dorsetshire.
Hon. Henry Fane. Hon. Thomas Fane.

Lymington, Hants.
Sir Harry Burrard Neale, bt. Wm. Manning.

Maidstone, Kent.
Matthew Bloxham. Oliver De Lancey.

Malden, Essex.
Jos. Holden Strutt. Charles Callis Western.

Malmsbury, Wilts.
P. I. Thellusson. Samuel Smith.

Malton, Yorkshire.
Viscount Milton. William Baldwin.

Marlborough, Wilts.
Hon. James Bruce. Lord Bruce.

Marlow, Bucks.
Thomas Williams. Owen Williams.

St. Maw's, Cornwall.
Sir William Young, bart. George Nugent.

St. Michael, Cornwall.
Sir Christopher Hawkins, bart. Sir S. Lushington, bart.

Merionethshire.
Sir Rob. Williams Vaughan, bart.

Midhurst, Sussex.
Right Hon. Sylvester Douglas. Chas. Long.

Middlesex.
William Mainwaring. George Byng.

Milbourne-Port, Somersetshire.
Lord Paget. Sir Robert Ainslie, bart.

Minehead, Somersetshire.
John Fownes Luttrell. John Langston.

Monmouthshire.
James Rooke. Charles Morgan.

Monmouth, Town of.
Charles Thompson.

Montgomeryshire.
Francis Lloyd.

Montgomery, Town of.
Whitshed Keene.

Morpeth, Northumberland.
Viscount Morpeth. William Huskisson.

Newark, Nottinghamshire.
John Manners Sutton. Mark Wood.

Newcastle-under-Line, Staffordshire.
William Egerton. E. Wilbraham Bootle.

Newcastle-upon-Tyne, Northumberland.
Sir Matthew White, Ridley, bart. Charles Brandling.

Newport, Cornwall.
William Northey. Joseph Richardson.

Newport, Hants.
J. C. Jervoise. E. Rushworth.

Newton, Lancashire.
Thomas Peter Legh. Thomas Brooke.

Newton, Hants.
Sir Richard Worsley, bart. C. Shaw Le Fevre.

Norfolk.
Sir John Wodehouse, bt. Thomas W. Coke.

Northallerton, Yorkshire.
Henry Peirse. Hon. Edward Lascelles.

Northamptonshire.
Thomas Powys. Francis Dickins.

Northampton, Town of.
Hon. Edw. Bouverie. Hon. Spencer Perceval.

Northumberland.
Charles Grey. Thomas Richard Beaumont.

Norwich, City of.
Right Hon. William Windham. Hon. Henry Hobart.

Nottinghamshire.
Lord Wm. Cavendish Bentinck. Hon. Evelyn Pierrepont.

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Nottingham, Town of.
Robert Smith. Daniel Parker Coke.

Oakhampton, Devonshire.
Thomas Tyrwhitt. Bateman Robson.

Orford, Suffolk.
Lord Robert Seymour. Hon. Rob. Stewart.

Oxfordshire.
Lord Charles Spencer. John Fane.

Oxford, City of.
Francis Burton. Henry Peters.

Oxford, University of.
Sir William Dolben, bart. Francis Page.

Pembrokeshire.
Lord Milford.

Pembroke, Town of.
Hugh Barlow.

Penryn, Cornwall.
Thomas Wallace. William Meeke.

Peterborough, City of.
Hon. Lionel Damer. Richard Benyon.

Petersfield, Hants.
William Jolliffe. Hilton Jolliffe.

Plymouth, Devonshire.
Sir F. Leman Rogers, bart. William Elford.

Plympton, Devonshire.
William Adams. William Mitchell.

Pontefract, Yorkshire.
John Smyth. Viscount Galway.

Poole, Dorsetshire.
Hon. Charles Stuart. John Jeffery.

Portsmouth, Hants.
Hon. Thomas Erskine. Lord Hugh Seymour.

Preston, Lancashire.
Sir H. P. Hoghton, bart. Lord Stanley.

Queensborough, Kent.
John Sargent. Evan Nepean.

Radnor, County of.
Walter Wilkins.

New Radnor.
Viscount Malden.

Reading, Berkshire.
Francis Annesley. Richard Aldworth Neville.

East-Redford, Notts.
William Petrie. Sir Wharton Amcotts, bart.

Richmond, Yorkshire.
Hon. Laurence Dundas. C. G. Beauclerk.

Rippon, Yorkshire.
Wm. Lawrence. Sir G. Allanson Winn, bt.

Rochester, Kent.
Sir Richard King, bart. Hon. Henry Tufton.

New Romney, Kent.
John Fordyce. John Willett Willett.

Rutlandshire.
Gerard Noel Edwards. Sir Wm. Lowther, bt.

Rye, Sussex.
Lord Hawkesbury. Robert Dundas.

Ryegate, Surry.
Hon. John Somers Cocks. Joseph Sidney Yorke.

Salop, or Shropshire.
Sir Richard Hill, bart. John Kynaston.

Saltash, Cornwall.
Edward Bearcroft. Lord Macdonald.

Sandwich, Kent.
Sir Philip Stephens, bart. Sir Horace Mann, bart.

New Sarum, Wilts.
Wm. Hussey. Hon. Wm. Henry Bouverie.

Old Sarum, Wilts.
George Hardinge. Earl of Mornington.

Scarborough, Yorkshire.
Hon. Edmund Phipps. Lord Charles Henry Somerset.

Seaford, Sussex.
Charles Rose Ellis. George Ellis.

Shaftsbury, Dorsetshire.
Paul Benfield. Walter Boyd.

Shoreham, Sussex.
Hon. C. Wm. Wyndham. Sir Cecil Bishopp, bart.

Shrewsbury.
Sir Wm. Pulteney, bart. Hon. Wm. Hill.

Somersetshire.
William Gore Langton. William Dickenson.

Southampton, Town of.
James Amyatt. George Henry Rose.

Southwark, Borough of.
Henry Thornton. G. W. Thellusson.

Staffordshire.
Earl Gower. Sir Edward Littleton, bart.

Stafford, Town of.
Hon. Edward Monckton. Richard Brinsley Sheridan.

Stamford, Lincolnshire.
Sir George Howard, K. B. Earl of Carysfort.

Steyning, Sussex.
John Henniker Major. James M. Lloyd.

Stockbridge, Hampshire.
Joseph Foster Barham. George Porter.

Sudbury, Suffolk.
William Smith. Sir James Marriott, kt.

Suffolk.
Sir Charles T. Bunbury, bt. Viscount Brome.

Surry.
Lord Wm. Russell. Sir John Frederick, bt.

Sussex.
Right Hon. Thomas Pelham. Charles Lenox.

Tamworth, Staffordshire.
Robert Peel. Thomas Carter.

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Tavistock, Devonshire.
Right Hon. Richard Fitzpatrick. Lord John Russell.

Taunton, Somersetshire.
William Morland. Sir Benjamin Hammet.

Tewkesbury, Gloucestershire.
James Martin. William Dowdeswell.

Thetford, Norfolk.
Joseph Randyll Burch. John Harrison.

Thirske, Yorkshire.
Sir Gregory Page Turner, bart. Sir Thomas Frankland, bart.

Tiverton, Devonshire.
Right Hon. Dudley Ryder. Hon. Richard Ryder.

Totness, Devonshire.
Lord George Seymour. Lord Arden.

Tregony, Cornwall.
Sir Lionel Copley, bart. John Nicholls.

Truro, Cornwall.
John Levison Gower. John Lemon.

Wallingford, Berkshire.
Sir Francis Sykes, bart. Lord Eardley.

Wareham, Dorsetshire.
Lord Robert Spencer. Charles Rose Ellis.

Warwickshire.
Sir George Augustus William Shuckburgh Evelyn, bart. Sir John Mordaunt, bart.

Warwick, Town of.
Hon. George Villiers. S. R. Gaussen.

Wells, City of.
Clement Tudway. C. W. Taylor.

Wendover, Bucks.
John Hiley Addington. George Canning.

Wenlock, Shropshire.
Cecil Forester. Hon. John Simpson.

Weobly, Herefordshire.
Lord George Thynne. Lord John Thynne.

Westbury, Wiltshire.
Sir H. P. St. John Mildmay, bt. Geo. Ellis.

West Looe, Cornwall.
John Buller. Sitwell Sitwell.

Westminster, City of.
Right Hon. Charles James Fox. Sir Alan Gardner, bart.

Westmoreland.
Sir Mich. Le Fleming, bart. James Lowther.

Weymouth and Melcombe Regis.
Sir James Pulteney, bart. Andrew Stuart. Gabriel Tucker Stewart. William Garthshore.

Whitchurch, Hampshire.
Hon. John Thomas Townshend. Hon. Wm. Broderick.

Wigan, Lancashire.
John Cotes. Hon. Orlando Bridgman.

Wilton, Wiltshire.
Viscount Fitzwilliam. Philip Goldsworthy.

Wiltshire.
Ambrose Goddard. H. Penruddock Wyndham.

Winchelsea, Sussex.
Richard Barwell. William Currie.

Winchester, City of.
Sir Richard Gamon, bt. Viscount Palmerston.

Windsor, Berkshire.
Hon. Robert Fulke Greville. H. Isherwood.

Woodstock, Oxfordshire.
Sir H. Watkin Dashwood, bt. Lord Lavington,

Worcestershire.
Hon. Edward Foley. William Lygon.

Worcester, City of.
Edmund Wigley. Abraham Robarts.

Wootton-Bassett, Wiltshire.
John Dennison. Edward Clarke.

Chipping-Wycombe, Buckinghamshire.
Earl of Wycombe. Sir John Dashwood King, bart.

Yarmouth, Norfolk.
Stephens Howe. Lord Charles Townshend.

Yarmouth, Hampshire.
Jervoise Clerke Jervoise. Edward Rushout.

Yorkshire.
William Wilberforce. Hon. Henry Lascelles.

York, City of.
Richard Slater Milnes. Sir W. M. Milner, bt.

SCOTLAND. 45.

Aberdeenshire.
James Ferguson.

Ayrshire.
Hugh Montgomery.

Argyleshire.
Lord Frederic Campbell.

Banffshire.
William Grant.

Berwickshire.
George Baillie, jun.

County of Caithness.
Hon. Frederick Stuart.

County of Cromarty.
Hon. Frederick Campbell.

Dumbartonshire.
W. C. Bontine.

Dumfriesshire.
Sir Robert Laurie, bart.

Edinburghshire.
Robert Dundas.

Elginshire.
James Brodie.

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Fifeshire.
Sir William Erskine, bart.

Forfarshire.
Sir David Carnegie, bart.

Haddingtonshire.
Hew Hamilton Dalrymple.

Inverness-shire.
Simon Fraser, jun.

Kincardineshire.
Robert Barclay.

Kinross-shire.
Sir Ralph Abercrombie, K. B.

Kirkcudbright Stewartry.
Patric Heron.

Lanarkshire.
Sir James Stuart Denham, bart.

Linlithgowshire.
Hon. John Hope.

Orkney and Shetland.
Robert Honeyman.

Peebleshire.
William Montgomery.

Perthshire.
Thomas Graham.

Renfrewshire.
Boyd Alexander.

Ross-shire.
Sir Charles Ross, bart.

Roxburghshire.
Sir George Douglas, bart.

Selkirkshire.
Mark Pringle.

Stirlingshire.
Hon. Sir G. Keith Elphinstone, K. B.

Sutherlandshire.
James Grant.

Wigtownshire
Hon. William Stewart.

ROYAL BOROUGHS.

Edinburgh City.
Right. Hon. Henry Dundas.

Tain, Dingwall, Dornock, Wick, and Kirkwall.
William Dundas.

Fortrose, Inverness, Nairn, and Forres.
Sir Hector Monro, K. B.

Elgin, Banff, Cullen, Kintore, and Inverrourie.
Alexander Brodie.

Aberdeen, Aberbrothock, Montrose, Brethin, and Inverbervie.
Alexander Allardyce.

Perth, Dundee, St. Andrews, Forfar, and Cupar.
David Scott.

Anstruther, East and West, Pittenween, Crail, and Kilrenny.
John Anstruther.

Dysart, Kirkaldy, Bruntisland, and Kinghorn.
Sir James St. Clair Erskine, bart.

Stirling, Innerkthen, Dumfarmlin, Queensferry, and Culross.
Hon. And. Cochrane Johnstone.

Glasgow, Dumbarton, Renfrew, and Ruthlergen.
William Macdowall.

Jedburgh, Haddington, Dunbar, North Berwick, and Lauder.
Robert Baird.

Peebles, Lanerk, Linlithgow, and Selkirk.
Viscount Stopford.

Dumfries, Sanquhar, Kirkcudbright, Lockmaben, and Annan.
Hon. Alexander Hope.

Wigton, Whitehaven, New Galloway, and Stranraer.
John Spalding.

Ayr, Irvine, Rothsay, Inverary, and Cambletown.
John Campbell.

SIXTEEN PEERS OF SCOTLAND.

George Hay, Marquis of Tweedale,
George James Hay, Earl of Errol.
Alexander Kennedy, Earl of Cassilis.
John Bowes Lyon, Earl of Strathmore.
Patrick Creechton, Earl of Dumfries.
Thomas Bruce, Earl of Elgin and Kincardine.
George Ramsay, Earl of Dalhousie.
William Carnegie, Earl of Northesk.
George Gordon, Earl of Aboyne.
John Campbell, Earl of Breadalbane.
George Boyle, Earl of Glasgow.
John Dalrymple, Earl of Stair.
James Somerville, Lord Somerville.
William Shaw Cathcart, Lord Cathcart.
James Sandilands, Lord Torphichen.
Francis Napier, Lord Napier.

The King's Speech on Opening the Session.] October 6. His Majesty opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen;

"It is a peculiar satisfaction to me, in the present conjuncture of affairs, to recur to your advice, after the recent opportunity which has been given for collecting the sense of my people, engaged in a difficult and arduous contest, for the preservation of all that is most dear to us.

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"I have omitted no endeavours for setting on foot negotiations to restore peace to Europe, and to secure for the future the general tranquillity. The steps which I have taken for this purpose, have at length opened the way to an immediate and direct negotiation, the issue of which must either produce the desirable end of a just, honourable, and solid peace for us, and for our allies, or must prove, beyond dispute, to what cause alone the prolongation of the calamities of war must be ascribed.

"I shall immediately send a person to Paris, with full powers to treat for this object; and it is my anxious wish that this measure may lead to the restoration of general peace; but you must be sensible that nothing can so much contribute to give effect to this desire, as your manifesting that we possess both the determination and the resources to oppose, with increased activity and energy, the further efforts with which we may have to contend.

"You will feel this peculiarly necessary at a moment when the enemy has openly manifested the intention of attempting a descent on these kingdoms. It cannot be doubted what would be the issue of such an enterprise; but it befits your wisdom to neglect no precautions that may either preclude the attempt, or secure the speediest means of turning it to the confusion and ruin of the enemy.

"In reviewing the events of the year, you will have observed that, by the skill and exertions of my navy, our extensive and increasing commerce has been protected to a degree almost beyond example; and the fleets of the enemy have, for the greatest part of the year, been blocked up in their own ports.

"The operations in the East and West Indies have been highly honourable to the British arms, and productive of great national advantage; and the valour and good conduct of my forces, both by sea and land, have been eminently conspicuous.

"The fortune of war on the continent has been more various, and the progress of the French armies threatened at one period, the utmost danger to all Europe; but, from the honourable and dignified perseverance of my ally the Emperor, and from the intrepidity, discipline, and invincible spirit, of the Austrian forces, under the auspicious conduct of the archduke Charles, such a turn has lately been given to the course of the war, as may inspire a well-grounded confidence that the final result of the campaign will prove more disastrous to the enemy, than its commencement and progress for a time were favourable to their hopes.

"The apparently hostile dispositions and conduct of the court of Madrid have led to discussions of which I am not yet enabled to acquaint you with the final result; but I am confident that, whatever may be their issue, I shall have given to Europe a further proof of my moderation and forbearance; and I can have no doubt of your determination to defend, against every aggression, the dignity, rights, and interests of the British empire.

"Gentlemen of the House of Commons;

"I rely on your zeal and public spirit for such supplies as you may think necessary for the service of the year. It is a great satisfaction to me to observe that, notwithstanding the temporary embarrassments which have been experienced, the state of the commerce, manufactures, and revenue, of the country, proves the real extent and solidity of our resources, and furnishes you such means as must be equal to any exertions which the present crisis may require.

"My Lords, and Gentlemen;

"The distresses which were in the last year experienced from the scarcity of corn, are now, by the blessing of God, happily removed; and an abundant harvest affords the pleasing prospect of relief in that important article to the labouring classes of the community.—Our internal tranquillity has also continued undisturbed.—The general attachment of my people to the British constitution has appeared on every occasion; and the endeavours of those, who wished to introduce anarchy and confusion into this country, have been repressed by the energy and wisdom of the laws.

"To defeat all the designs of our enemies, to restore to my people the blessings of a secure and honourable peace, to maintain inviolate their religion, laws, and liberty, and to deliver down unimpaired to the latest posterity the glory and happiness of these kingdoms, is the constant wish of my heart, and the uniform end of all my actions.—In every measure that can conduce to these objects, I am confident of receiving the firm, zealous, and affectionate support of my parliament."

Debate in the Lords on the Address of

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Thanks.] His Majesty and the House of Commons having retired, the Speech was read by the Lord Chancellor, and by the Clerk at the table. After which,

Earl *Bathurst*, in rising to move an Address of Thanks, intreated their lordships indulgence, as he found, that in addition to the embarrassments he laboured under from a diffidence of his own abilities, the subject on which he was about to offer a motion to their lordships was of such magnitude as to impose a much heavier weight on him than he feared he should be able to sustain in the manner he could wish. He had no doubt, but that the House would be unanimous in returning their humble and sincere thanks for the gracious communication his majesty had been pleased to make them; but before he moved it, he begged to offer a few reasons which induced him to form this conclusion. His lordship then took notice of the arduous contest in which this country had, for so many years, been involved with the French. Various, he said, had been the turns of fortune and the vicissitudes of war since it first began; and as he was certain every one who heard him was convinced that a safe and honourable peace was essential to the repose, not only of this country, but of all Europe, he had not the smallest doubt but every noble lord present would heartily join in returning thanks to his majesty for his most gracious information, that he had omitted no endeavours for setting on foot negotiations for restoring peace to Europe. At the same time, he was sure it would be totally unnecessary for him to press upon their lordships the necessity there would be, in case this negotiation should fail in its effect, from the haughty demeanour, or extravagant terms which might be demanded by the French Directory, to unite as one man; and by combining the great resources of this country with that zeal, activity, and unanimity, which such a situation would call forth, he had no doubt but we should be able to repel every hostile attempt, in as brave and gallant a manner as we had heretofore done.—The noble earl then entered into a spirited eulogium on the skill and courage of our naval commanders, and the great exertions which had been made by them in every quarter of the globe. He next touched upon the scene of the war on the continent, and the astonishing successes of the enemy at the commencement of the present campaign.—Successes which threatened at one time to overturn the whole long-tried and well-poised system of the Germanic empire; successes which threatened our great and good ally the Emperor even in his very capital; and which have, at the same time, given him an opportunity of displaying a greatness of courage and constancy of mind under the most dispiriting circumstances, which redound in the highest degree to his honour, as a faithful ally, and which have proved, beyond a doubt, that his magnanimity in the hour of danger, aided by the unexampled bravery, zeal, and activity of the archduke Charles, have, under the blessing of Heaven, been the means of saving the liberties and rights of the Germanic body. With regard to the hostile preparations of a certain court, he had no doubt, that whatever steps his majesty might hereafter take in that business, would convey to all Europe additional proofs of moderation and forbearance, and of his determination to defend the rights of Englishmen and the dignity of his crown against every enemy.—He congratulated their lordships on the flourishing state of the manufactures, revenues, commerce, and general resources of the country, which he doubted not would be found fully adequate to every necessary exertion; and also on the abundance of the late harvest. It was also matter of congratulation that the tranquillity of the country had been preserved and the views of those who wished to stir up anarchy and confusion, had been completely frustrated by the wisdom and energy of the laws. His lordship then moved an address, which was an echo of the Speech from the throne.

The Earl of *Upper Ossory*, in rising to second the address, informed their lordships that he should engross but a small portion of their time. If he had previously been inclined to occupy more, he should have found it almost impossible to have done so, after the clear and comprehensive manner in which the noble lord had just expatiated on the same topics. The few observations he had to make were merely designed to impress some of the principal parts of his majesty's speech upon their lordships attention. If his majesty had come down on the preceding day he suspected that an opportunity would not have then been afforded for communicating the information that a negotiation had been set on foot for the restoration of peace. He hoped and trusted,

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that this peace, if it should be obtained, would not be partial, but would comprehend in it the honour and security of our allies. If the issue should not be favourable, he conceived it would be owing rather to the haughtiness of the enemy than to any want of moderation on our part. But if the negotiation should fail, he hoped, it would, at least, be productive of one good effect, and unite us all in compelling the enemy by force of arms to submit to reasonable terms. His lordship was animated in his praise of the archduke Charles. On the conduct of Spain, he was not able to pronounce a panegyric; but as he hardly knew the relation in which we stood to that power, he deemed it prudent, at present to be silent. His majesty had lastly expressed his gratification at the late abundant harvest, whereby the distresses of the labouring part of the community had a prospect of being speedily relieved; and as their lordships knew the sentiments of his majesty's heart, they must be sensible that such a relief would be to him a source of the highest satisfaction.

Earl *Fitzwilliam* said, it was always with considerable embarrassment that he rose to address their lordships, and that this embarrassment was by no means lessened on the present occasion, as he did not know but in what he had to offer to the House, he might probably stand by himself. Be that as it might, he found it to be his duty to give his opposition to the address. He had been an advocate for the war at its commencement, from an opinion of its necessity, and he was now confirmed in the opinion of its necessity, from the experience of a long series of events. When the war commenced, it was asked, whether it would be prudent to draw the sword, not only in the defence of an ally, but for the preservation of the civil happiness of Europe; and it was generally admitted, that it would not only be prudent but indispensably necessary. The designs of the enemy tended to the destruction of every established government, and the total subversion of society; and those designs had not yet been abandoned. He had trusted, therefore, that he should not have heard one word of a negotiation like that which had been mentioned, and was surprised to find such expressions made use of as were common at the end of an ordinary war. Finding the address proposed by the noble earl re-echoed to the crown the vague and loose expressions concerning that negotiation, without the least attention to the grand principle on which the war commenced, he felt it impossible to give it his concurrence. The great object of the war was the restoration of order, not with regard to the internal mode of government which the enemy might choose to adopt, but with regard to the influence of their external designs; for at the commencement of the war, their internal system of government was not more dangerous than the present but the influence of their opinions and designs externally was terrific. To restore order, to defend the civilized states of Europe against the dangers that threatened them, to protect persons and property from a fatal devastation, and suppress the tendency of innovating and pernicious doctrines, were the ostensible objects of the war. Upon these principles their lordships had engaged in the war, and upon these principles they had supported it. What, then, was the nature and the purport of the proposed address? Why it was neither more nor less than a recommendation to his majesty to acknowledge and approve that system he had formerly reprobated and opposed. If there were any wisdom in negotiation now, the same wisdom should have been manifested four years ago; for he defied any man to say, that the same causes which existed then, and proved the necessity of the war, did not exist now. The system of subversion of every acknowledged principle and established institution continued still to predominate. The wisdom of the first measures which were adopted to oppose this dangerous evil, he had always approved, and experience had confirmed. What then was there now in the aspect of public affairs to require a deviation from a conduct sanctioned by policy, and justified by events? Was the system which had roused our attention and demanded our exertions now extinct; or was it still the rule by which the conduct of the enemy was directed? Their lordships ought to compare the views of France at that period, with the plans which they prosecuted now. The great and powerful governments of Europe were not the first who were attacked by the spirit of aggression with which the enemy were actuated, but the inferior and feeble states had felt their overbearing influence and their subversive authority. Such instances

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announced their intention, and success was to afford the means of extending the application of their principles. Now we might observe the prevalence of the same dispositions. They were avowed in repeated proclamations, in which their determination to overturn the established order of the countries to which they could dictate, was renewed. It was not their arms which he had to dread, but the system by which their success was accompanied. He begged their lordships to consider the instance of Sardinia. No sooner was the king of Sardinia compelled to submit to accept a peace from France, than it was succeeded by their interference in the internal administration of his government. They insisted upon his restoring to their liberty, and to their effects, all the persons who had been condemned to imprisonment or to penalties, for the propagation of their anarchical doctrines. At Rome they had signalised their triumph by imposing the same degrading conditions. Were their lordships prepared to submit to such indignities? Would they act even so as to invite such disgraceful interference? Would they endure the badge of disorder, which the king of Prussia had allowed in his dominions? In Berlin the standard of insurrection was reared, the national cockade was worn to attract partizans and propagate the principles of which it was the emblem. And were their lordships prepared to allow the national cockade to be worn in this country by every man whom the French Directory might choose to consider as a Frenchman? By arms alone these attempts and these disgraces were to be resisted. To these evils their lordships exposed themselves if they consented to conclude any peace with the enemies of established government and of moral and religious order. Whatever confidence might be reposed in the affection, steadiness and loyalty of the people at home, what did their lordships say to our distant possessions? Were our colonies safe? Were the West India islands in a situation in which we could rely upon their tranquillity? What had been the effect of the principles of France in her own settlements? What devastation had they not produced? What ravage had they not extended to our own islands of St. Vincents and Grenada? The effect of their principles was, to overthrow all the barriers by which property was protected; and the tendency was realized by the practice which they pursued. In glancing over the proceedings of their legislative bodies that very day he had found that one of their reporters stated, that the sale of the national property (that was what was the property of individuals) was the pivot of the revolution. If their lordships were not disposed to give up the security of their property, and to introduce that levelling system, they would pause when they contemplated the serious consequences, with which the measures recommended would be accompanied. Were their lordships prepared to submit to the mandates of the Directory? At their command were they ready to let loose all those who had been doomed to punishment for the propagation of sedition, and for attacks upon the constitution? Were they prepared to set at liberty Mr. York? To recall from Botany Bay the Jacobins who had been transported to that country? When they had consented to disband our troops, and to dismantle our fleet, now in the height of its power, did they imagine that we should be able to cope with the forces of the Directory, wielding the combined strength of the navies of Spain and Holland? If their lordships did not wish to expose the country to these disasters, they would not concur in giving to his majesty advice that would strike at the interest of the state, and weaken the security of his government. Did ministers mean to recognize France, circumscribed and limited within her ancient boundaries or the republic of France, bounded by the Rhine and the Alps? For a series of years our ancestors had struggled to limit the territories of France, and to maintain the balance of Europe, and it was surely no trivial consideration, whether this aggrandizement was to be acknowledged, and these acquisitions to be sanctioned. The effects which our commerce would sustain by the aggrandizement of France, were not indifferent. It was no light reflection that Holland was under the control of the enemy, that the ports of Italy were in the hands of the enemy; that Leghorn, once so important in war, from the supplies which it furnished, and in peace, as the great mart of our manufactures, was now taken from us. All the coasts of Europe were now shut against our commerce. In Italy the establishment of a republic, under the control of France, would exclude our trade from that country, and unless the king of Naples

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came boldly forward to resist the plans of the enemy, the whole of the north of Italy would be inaccessible to our manufactures. By commerce this nation had flourished. What, however, was to be our situation, when every port into which our commodities had flowed, was shut against us? If the French succeeded in establishing a republic in Italy, it would quickly spread over that country the same poverty which in France the revolutionary government had introduced. We might treat with the French Directory; but what traffic could our merchants maintain with individuals who were destitute of property, or possessed it without security? The loss of Spain, too, was now certain. By whatever name she was distinguished, whether as a monarchy or a republic, was of little consequence. She was the tributary of France, and from the tenor of the Speech, he concluded, that with her too, we should have to contend. The noble earl concluded with moving an Amendment to the Address, by inserting at the end of the first paragraph, the following words: "That this House, strongly impressed with the justice and necessity of the present war, carried on for the maintenance of civil and moral order in the world, and for securing the balance of power in Europe, and the independence of all states, will continue to give his Majesty a vigorous support in asserting the general cause of his Majesty and his allies, and for preserving the good faith, dignity, and honour of the crown, in full assurance that no steps will be taken inconsistent with those principles, or with the future safety and prosperity of these kingdoms; and should the apparently hostile dispositions of the court of Madrid, instigated by the intrigues and menaces of the common enemy, put his majesty under the necessity of repelling force by force, his majesty may rely on the determination of this House to give his majesty the most ample support in defending against every aggression, the dignity, rights, and interests of the British empire."

The Earl of *Guilford* said, it was not his intention to oppose the address; on the contrary, he felt great pleasure in being able to give it his cordial support. If a safe, honourable, and permanent peace could now be obtained, he would sit down well satisfied with all the obloquy which had been so plentifully heaped upon himself and those with whom he had the honour to act for the last three years. The achievements of the archduke Charles had been noble and splendid in the extreme, and he firmly believed they had been the means of saving the House of Austria, and the whole Germanic body from a state of the greatest humiliation. If these fortunate atchievements should operate, as he hoped they would, to serve as an advantageous means of cool, temperate, and rational negotiation, they ought to be considered as omens of great happiness to us and our ally; if, on the contrary, they should have the fatal tendency of reviving the inauspicious hopes formerly entertained, and cause the parties to rise in their demands, so as to be the means of prolonging this miserable and unavailing contest, then they would, and ought to be, looked upon as evils and misfortunes of the deepest dye. Conceiving a peace to be the greatest blessing this country could at present possess, he cordially came forward in support of the present address; but by so doing he did not preclude himself from the right he had to inquire, at any future period, into the causes of the present calamitous contest, and the conduct of those who had plunged us into it.

Lord *Grenville* said, that even supposing the address had formed the subject of the keenest and most obstinate debate that had ever taken place in that House, it would have been impossible for him to add to the energy with which the argument had been supported, or the impression made upon the House by the noble mover. It gave him joy, as a public man, to see his noble friend bringing into action, those talents which he had long known him to possess. To those who had not witnessed the display of talents his noble friend had made, such language might be considered as proceeding from the warmth of private friendship, while he wished it to be considered as the congratulation of a public man upon a great public advantage. He should forbear entering into any argument upon the points on which the noble earl who spoke last had expressed a difference of opinion. As for the threatened inquiry into the causes of the war, and the conduct of those who had the management of it, he was ready at any time to meet the trial, and to take his share of responsibility for all its consequences. Another noble earl (Fitzwilliam) had stated it as inconsistent with the principles on which the war was undertaken, to treat with any other govern-

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ment in France than a monarchy. That the existence of a republic in France was an insuperable bar to negotiation, and that monarchy was indispensable, was a calumny which ministers had at all seasons contradicted. They had expressed what they still believed, that the best issue to the contest would be, the re-establishment of monarchy in France; yet they had never pledged themselves, much less the parliament, to an opinion so wild and extravagant, as that, without this object, no peace could be attained. It was somewhat strange in the noble earl to infer, from the opening of negotiation, that the worst terms would be concluded. He saw nothing in the state of the country that should lead us to embrace any other than just, honourable, and solid conditions of peace.

The amendment was negatived, and the Address agreed to.

Protest of Earl Fitzwilliam against the Rejection of his Amendment to the Address of Thanks.] The following Protest was entered on the Journals:

" Dissentient,

1. " Because, by this Address, unamended as it stands, the sanction of the Lords is given to a series of measures as ill-judged with regard to their object as they are derogatory from the dignity of his majesty's crown, and from the honour of this kingdom. The reiteration of solicitations for peace, to a species of power, with whose very existence all fair and equitable accommodation is incompatible, can have no other effect than that which it is notorious all our solicitations have hitherto had. They must increase the arrogance and ferocity of the common enemy of all nations; they must fortify the credit, and fix the authority of an odious government over an enslaved people; they must impair the confidence of all other powers in the magnanimity, constancy, and fidelity of the British councils; and it is much to be apprehended it will inevitably tend to break the spring of that energy, and to lower that spirit which has characterised in former times this high-minded nation, and which, far from sinking under misfortune, have even risen with the difficulties and dangers in which our country has been involved.

2. " Because no peace, such as may be capable of recruiting the strength, economizing the means, augmenting the resources, and providing for the safety of this kingdom, and its inseparable connexions and dependencies, can be had with the usurped power now exercising authority in France; considering the description, the character, and the conduct of those who compose that government, the methods by which they have obtained their power, the policy by which they hold it, and the maxims they have adopted, openly professed and uniformly acted on, towards the destruction of all governments not formed on their model, and subservient to their domination.

3. " Because the idea that this kingdom is competent to defend itself, its laws, liberties, and religion, under the general subjugation of all Europe, is presumptuous in the extreme, contradictory to the supposed motives for our present eager solicitations for peace, and is certainly contrary to the standing policy both of state and commerce, by which Great Britain has hitherto flourished.

4 " Because, while the common enemy exercises his power over the several states of Europe in the way we have seen, it is impossible long to preserve our trade, or, what cannot exist without it, our naval power. This hostile system seizes on the keys of the dominions of these powers, without any consideration of their friendship, their enmity, or their neutrality, prescribes laws to them as to conquered provinces; mulcts and fines them at pleasure; forces them, without any particular quarrel, into direct hostility with this kingdom, and expels us from such ports and markets as she thinks fit: insomuch that (Europe remaining under its present slavery) there is no harbour which we can enter without her permission, either in a commercial or a naval character. This general interdict cannot be begged off; we must resist it by our power, or we are already in a state of vassalage.

5. " Because, whilst this usurped power shall continue thus constituted and thus disposed, no security whatever can be hoped for in our colonies and plantations, those invaluable sources of our national wealth and our naval power. This war has shown that the power prevalent in France, by intentionally disorganizing that plantation system (which France had in common with all other European nations), and by inverting the order and relations therein established, has been able with a naval force, altogether contemptible, and with very incon-

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siderable succours from Europe, to baffle, in a great measure, the most powerful armaments ever sent from this country into the West Indies, and at an expense hitherto unparalleled, and has, by the force of example, and by the effect of her machinations, produced at little or no expense to herself either of blood or treasure, universal desolation and ruin by the general destruction of every thing valuable and necessary for cultivation, throughout several of our islands, lately among the most flourishing and productive. The new system, by which these things have been effected, leave our colonies equally endangered in peace as in war. It is therefore with this general system (of which the West India scheme is but a ramification) that all ancient establishments are essentially at war for the sake of self-preservation.

6. "Because it has been declared from the throne, and in effect the principle has been adopted by parliament, that there was no way likely to obtain a peace, commonly safe and honorable, but through the ancient and legitimate government long established in France. That government in its lawful succession has been solemnly recognised, and assistance and protection as solemnly promised to those Frenchmen who should exert themselves in its restoration. The political principle upon which this recognition was made, is very far from being weakened by the conduct of the new-invented government. Nor are our obligations of good faith pledged on such strong motives of policy to those who have been sound in their allegiance, dissolved, nor can they be so, until fairly directed efforts have been made to secure this great fundamental point. None have yet been employed with the smallest degree of vigour and perseverance.

7. "Because the example of the great change made by the usurpation in the moral and political world (more dangerous than all her conquests) is by the present procedure confirmed in all its force. It is the first successful example furnished by history of the subversion of the ancient government of a great country, and of all its laws, orders, and religion, by the corruption of mercenary armies, and by the seduction of a multitude, bribed by confiscation to sedition, in defiance of the sense, and to the entire destruction of almost the whole proprietory body of the nation. The fatal effects of this example must be felt in every country. New means, new arms, new pretexts, are furnished to ambition: and new persons are intoxicated with that poison.

8. "Because our eagerness in suing for peace may induce the persons exercising power in France erroneously to believe, that we act from necessity, and are unable to continue the war—a persuasion which, in the event of an actual peace, will operate as a temptation to them to renew that conduct which brought on the present war—neither shall we have any of the usual securities in peace. In their treaties, they do not acknowledge the obligation of that law, which for ages has been common to all Europe. They have not the same sentiments, nor the same ideas of their interest in the conservation of peace, which have hitherto influenced all regular governments; they do not in the same manner feel public distress, or the private misery of their subjects; they will not find the same difficulty on the commencement of a new war to call their whole force into sudden action, where, by the law, every citizen is a soldier, and the person and properties of all are liable at once to arbitrary requisitions. On the other hand, no attempt has been made to show in what manner, whether by alliances, by force, military or naval, or by the improvement and augmentation of our finances, we shall be better able to resist their hostile attempts after the peace than at the present hour. If we remain armed, we cannot reap the ordinary advantage of peace in economy; if we disarm, we shall be subject to be driven into a new war, under every circumstance of disadvantage, unless we now prepare ourselves to suffer with patience and submission whatever insults, indignities, and injuries we may receive from that insolent, domineering, and unjust power.

9. "Because the inability of humbling ourselves again to solicit peace in a manner, which is a recognition of the French Republic, contrary to all the principles of the war, the danger of peace, if obtained, the improbability of its duration, and the perseverance of the enemy throughout the interval of peace in their mischievous system, is not conjecture, but certainty. It has been avowed by the actual governors of France at the very moment when they had before them our application for a passport. They chose that moment for publishing a state paper,

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breathing the most hostile mind. In it they stimulate and goad us, by language the most opprobrious and offensive. They frankly tell us, that it is not our interest to desire peace, for that they regard peace only as the opportunity of preparing fresh means for the annihilation of our naval power. By making peace, they do not conceal that it will be their object—'to wrest from us our maritime preponderancy—to re-establish what they invidiously call the freedom of the seas—to 'give a new impulse to the Spanish, Dutch, 'and French marines—and to carry to the 'highest degree of prosperity the industry and commerce of those nations,' which they state to be our rivals, which they charge us us with 'unjustly attacking, when we can no longer dupe,' and which they throughout contemplate as their own dependencies, united in arms, and furnishing resources from our future humiliation and destruction. They resort to that well-known and constant allusion of theirs to ancient history, by which representing 'France as modern Rome, and 'England as modern Carthage,' they accuse us of a national perfidy, and hold England up 'as an object to be blotted 'out from the face of the earth.' They falsely assert, that the English nation supports with impatience the continuance of the war, and has extorted all his majesty's overtrues for peace 'by complaints 'and reproaches;' and above all, not only in that passage, but throughout their official note, they show the most marked adherence to that insidious and intolerable policy of their system, by which they, from the commencement of the revolution, sought to trouble and subvert all the governments in Europe. They studiously disjoin the English nation from its sovereign.

10. "Because, having acted throughout the course of this awful and momentous crisis upon the principles herein expressed, and after having, on the present occasion, not only fully reconsidered, and jealously examined their soundness and validity, but gravely attended to, and scrupulously weighed the merits of all those arguments which have been offered to induce a dereliction of them, conscientiously adhering to, and firmly abiding by them, I thus solemnly record them, in justification of my own conduct, and in discharge of the duty I owe to my king, my country, and the general interests of civil society.

(Signed) "WENTWORTH FITZWILLIAM."

Debate in the Commons on the Address of Thanks.] Oct. 6. The Commons being returned to their House, and his Majesty's Speech being read by the Speaker,

Viscount *Morpeth* rose to move an Address. As he was not in the habit of addressing the House, he hoped he should experience its indulgence on the present occasion. He felt however somewhat emboldened, from the consideration of the contents of the Speech they had just heard, and which, he flattered himself, would meet with the cordial approbation of the House. He trusted that the sentiments avowed in that speech would tend to reconcile that variety and opposition of sentiment which had hitherto subsisted; for whatever opinions gentlemen might have entertained with respect to the origin of the war, and the manner in which it had been conducted, it must assuredly give them satisfaction to concur in a motion which had for its object the expediting of an honourable peace. Those who thought that this was a war just and necessary in its commencement, and unavoidable in its continuance, must also rejoice that the period was arrived in which a negotiation might be entered into, that there existed in France a government possessing stability and security, and that might therefore be treated with. He hoped that we should not neglect to employ our resources in such a manner as to show that while we are desirous for peace, we are nevertheless in a condition to continue the contest. He was glad to observe, that if this painful alternative should be unavoidable, our resources would be adequate; and here he must observe, that the Speech from the throne was fully justified, as to the condition of our trade and commerce: they certainly were flourishing in a high degree, as was evinced by the produce of the duties upon our imports and exports, and by the general state of our revenue. It was a fact upon which reliance might be placed, that our exports for the last half year exceeded by two millions sterling the amount of the half year which corresponded with it in the preceding year. This must afford them the utmost satisfaction, since it incontrovertibly proved that the commerce of the country was progressively increasing, and its resources unexhausted. Let it be remembered also that our commercial prosperity had risen to such a pitch during a period

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of war, and amidst all the pressure with which it was accompanied.—It was also a source of exultation, that the naval character of the country stood upon as high a footing as it ever had done. Great Britain still held the dominion of the sea; and the valour of our fleets and armies had obtained for us new and splendid acquisitions in the East and West Indies. In Europe, it was true, the course of events had not been so gratifying; but of late they had much improved. Astonished and dismayed as they must have been at the successes of our enemies in the former part of the campaign, those successes had been effectually checked, and their dreaded consequences prevented, by the bravery of our Austrian allies, and by the wise and heroic conduct of the archduke Charles, who had defeated the gigantic projects, and rendered nugatory the boasted successes of our foes. With regard to the conduct of Spain, as there was nothing final upon that subject before the House, he should abstain from comments upon it. He believed, however, if the issue should be unfortunate, that no blame would be fairly imputable to the administration of this country. As to our internal situation, we had reason to congratulate his majesty and the people at large upon our auspicious prospect in that respect. We had been favoured with an abundant harvest, and the greatest plenty was now secured to the people of these kingdoms. Viewing as he did, the situation of our affairs in all respects, he hoped the House would support him in the motion with which he should have the honour of concluding, as he trusted it would be one step towards the attainment of a peace that would be honourable to this nation. He then moved: "That an humble address be presented to his majesty, to return his majesty the thanks of this House for his most gracious speech from the throne:—To assure his majesty, that we are deeply sensible of his majesty's parental regard for the interest of his subjects, in having omitted no endeavours for setting on foot negotiations to restore peace to Europe, and to secure for the future the general tranquillity:—That we rejoice to learn, that the steps which have been taken for this purpose have at length opened the way to an immediate and direct negotiation, which, we doubt not, will be so conducted on his majesty's part, as either to produce the desirable end of a just, honourable, and solid peace for us and for our allies, or to prove beyond dispute, to what cause alone the prolongation of the calamities of war must be ascribed:—That we join with his majesty in an anxious wish, that the step which his majesty proposes to take of sending a person to Paris, with full powers to treat, may lead to the restoration of general peace; but we are fully sensible, that nothing can so much contribute to give effect to this desire as manifesting that we possess both the determination and the resources to oppose, with encreased activity and energy, the farther efforts with which we may have to contend:—That we must, indeed, feel this to be peculiarly necessary when an intention has been openly manifested of attempting a descent on these kingdoms; and that although it cannot be doubted what would be the issue of such an interprise, we deem it an indispensable duty to neglect no precautions that may either preclude the attempt, or to secure the speediest means of turning it to the confusion and ruin of the enemy:—That in reviewing the events of the year we have not failed to observe, with a just satisfaction, that by the skill and exertions of his majesty's navy our extensive and increasing commerce has been protected to a degree almost beyond example; and that the fleets of the enemy have, for the greatest part of the year, been blocked up in their own ports:—We consider the operations in the East and West Indies as productive of great national advantage, and as displaying the valour and good conduct of his majesty's forces, both by sea and land, in a degree highly honourable to the British arms:—That having contemplated, with an anxious solicitude, the various fortune of war on the continent, and the danger with which all Europe was at one time threatened, we reflect with proportionable admiration and joy, on the honourable and dignified perseverance of his majesty's ally the Emperor; and on the intrepidity, discipline, and invincible spirit, of the Austrian forces, under the auspicious conduct of the archduke Charles, and we entertain the most sanguine hope, that, from the turn lately given to the course of the war, the final result of the campaign may prove more disastrous to the enemy, than its commencement and progress for a time were favourable to their hopes:—That, while we regret the hostile dispositions and

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conduct on the part of the court of Madrid, which have led to the discussions now depending, we entertain a just confidence, that, whenever his majesty shall be enabled to acquaint us with the final result, a farther proof will be given to Europe of the temper and prudence which govern his majesty's proceedings; and we cannot too strongly express to his majesty our fixed determination to support his majesty with our lives and fortunes in defending, against every aggression, the dignity, rights, and interests, of the British empire:—To assure his majesty, that he may, at all times, rely on the zeal and affection of his faithful Commons for such supplies as may be necessary for the service of the year; and that it must afford us the most cordial satisfaction to find that, notwithstanding the temporary embarrassments which have been experienced, the state of the commerce, manufactures, and revenue, of the country, proves the real extent and solidity of the public resources, and will furnish such means as may be equal to the great and vigorous exertions which the present crisis peculiarly requires:—That we acknowledge, with the utmost thankfulness and satisfaction, that the distresses which were in the last year experienced from the scarcity of corn, are now, by the blessing of God, happily removed; and that an abundant harvest affords the pleasing prospect of relief, on that important article, to the labouring classes of the community:—That with equal satisfaction we reflect on the uninterrupted continuance of our internal tranquillity, on the general attachment of his majesty's faithful subjects to the British constitution, and on the happy effects produced by the energy and wisdom of the laws in repressing the endeavours of those who wish to introduce anarchy and confusion into the country:—To beseech his majesty to believe, that we are deeply impressed with the gracious and paternal expressions of his majesty's constant solicitude for the glory and happiness of his kingdoms; and that his majesty may, at all times, rely on the firm, zealous, and affectionate support of his parliament, in those exertions which are directed to the great object of defeating all the designs of our enemies of restoring to the people the blessings of a secure and honourable peace, and of delivering down, unimpaired, to the latest posterity, those civil and religious blessings by which these kingdoms have been so eminently distinguished under the protection of his majesty's just and auspicious government."

Sir *W. Lowther* said, he should claim but a short indulgence from the House since the noble lord who had preceded him, in an able speech which they must all admire, had gone fully into the subject. It would be impertinent in him, and tedious to the House, to pass over the same grounds. On one point only he would shortly trouble them:—it related to the internal situation of this country. If the persons now exercising the powers of government in France were seriously inclined for peace, he was fully persuaded that that desirable object would be attained. But no time was more critical than that period which immediately preceded negotiation—no conjuncture was more delicate; and however different and various the opinions of gentlemen might be upon the principles of the war—whatever their sentiments might be in respect to the manner in which it had been conducted, upon this occasion he hoped the whole House would cordially co-operate to secure that object, so desirable to them all. He begged them only to consider, that nothing could so much impede them as their own internal dissentions. He trusted, therefore, there would be none. If we regarded our finances, they were abundant in the extreme, and such as were adequate to any emergency of the country. He should therefore second the address moved by the noble lord.

Mr. *Fox* rose, and said:—It is not, Sir, my intention to take up much of your time; but if I were to give a silent vote upon the motion which has just been made, I apprehend that my conduct might be subject to misconstruction. In the first place, then, his majesty has been at length advised to do what it has fallen to my lot repeatedly to advise his ministers to do for the last three years, namely, to open a negotiation; this, which is the leading feature of the speech, ought undoubtedly to reconcile me to the address, and I should be happy if it contained no features of a less pleasing aspect. Of that striking feature I cordially approve. I cannot forget how often I have advised this measure, nor how often, without success, I have pressed it upon ministers; but however I may lament that the counsel was not taken before a hundred millions of money had been spent, and thousands of lives devoted to the cruel contest,

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yet it must draw from me my warm approbation now that it has been followed. I will not say one word about the particular and the fit time for such a measure, all times appearing to me to be equally wise and salutary for endeavouring to restore to the people the blessings of peace. Nor will I retaliate the personal invectives that were thrown out against me; that an attempt to negociate with such a people, was to lay his majesty's crown at their feet, and that it was a degradation of the honour and dignity of Great Britain; that to propose to open a negotiation was, in fact, to sue for peace. Such was the language of the last parliament, and such the animadversion made on the advice which I then gave. I will content myself with repeating what I then said, that to propose negotiation is not to sue for peace. It is at every moment dignified and proper to strive to restore the blessings of peace, and it is certainly one thing to propose a negotiation in which terms are to be fairly and manfully discussed, and another to sue to your enemy for peace. I repeat, therefore, that I entirely approve of the present measure, and will not now mix my assent to that part of the address, with any observations on the protracted manner in which it has at length been resolved upon. And thus approving of the principal feature of the address, I am extremely unwilling to oppose any other part of it. There are some expressions, however, of which I must take notice, and I shall do so rather with the intention of explaining the vote which I shall give, than of moving any thing upon them. In the beginning of the speech there is an expression, that his majesty has "omitted no endeavours" to open a negotiation; now, unless by the words "omitted no endeavours" it is meant to say that every endeavour has been used since the close of the last parliament, we ought not to agree to the expression; for undoubtedly ministers cannot expect that those who objected so frequently to their refusal to exert any effort at all, should now acquiesce in an assertion that they had used every endeavour to bring about a negotiation. Unless, therefore, it is meant to allude to the endeavours which his majesty has made since the close of the last parliament, endeavours which I am willing to take upon trust, I desire it may be clearly understood that I am not to be precluded by my vote this night from animadverting upon his majesty's ministers for their former want of endeavours to bring about a negotiation for peace.—There is much, Sir, that deserves praise in the construction of the present speech. Ministers have omitted the words to which they have been so bigotted heretofore, of the war having been undertaken for "the cause of religion, humanity, and social order," words calculated only to inflame and to exasperate the two nations against each other, and to set the probability of peace at a greater distance. Neither have they repeated their constant and unfounded phrase, that "the war was just and necessary." They have acted wisely in thus abstaining from intemperate language; for at a time when they are about to negociate for a peace, it would have been peculiarly unseasonable, to have made use of language repulsive to the people with whom you have to treat; nor would it have been wise to introduce words calculated to prevent unanimity in this House, upon the course which his majesty has been slowly advised to pursue; since with respect to the necessity of the war, and all the jargon of epithets that have been applied to it, there must always continue to be a fundamental difference of opinion. There are other parts of the speech which, perhaps, demand a little explanation, and which if we pass over for the time, it is to be understood that we are left at full liberty to question the assertions hereafter; such is the declaration of the flourishing state of our manufactures, trade, and commerce. I must take this upon trust. I cannot object to the assertion of a fact, the proofs of which I have not before me. We shall soon have the means of knowing, upon better authority than mere assertion, the state of the country: and I trust it will turn out to be prosperous and flourishing. Our agreeing to the assertion in the mean time must not be construed to preclude us from inquiry, much less to involve our assent. When I hear it said, that our resources are equal to the crisis, I must hesitate in giving credit to an assertion which is so little supported by the public appearance of things. When I look at the price of the public funds, the state of the transferable securities of government, the monstrous discounts upon the enormous quantity of paper which they have issued, together with the various schemes to relieve the pecuniary embarrassments of trade, I must think that our resources

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are in a less favourable state than ministers would make us believe they are. There is one other part of the address upon which I cannot forbear to make some observations; it is that part in which we are made to rejoice at the general tranquillity of the country. General tranquillity arising out of the obedience which a rational people cheerfully pay to good laws, must always be a subject of real rejoicing; but, if it is meant that general tranquillity has sprung out of the two laws of the last session of the last parliament—laws which ought to be the object of our terror and abhorrence—I cannot rejoice in any such tranquillity. Should I be asked, have these laws produced tranquillity? I answer, No: it is not in the nature of such laws to produce tranquillity. Such laws may produce a forced quiet, which I consider as a real alarm. Do we rejoice in a tranquillity in which discussion is to be stifled, and men are to brood in secret over the grievances which they feel? No: such a tranquillity alarms me more than tumult. It is a tranquillity which every man who loves freedom ought to see with pain—every man who loves order ought to see with terror. To the constitution no man can feel a stronger attachment than I do; but my attachment is to the constitution under which I was born and bred—not to that of the last parliament, which did more to maim and disfigure the ancient constitution of England than any former parliament. Much as I wish for a general approbation of the measure of endeavouring to procure peace to this country, I should think it was dearly purchased if coupled with the approbation of those abhorrent laws. I am one, Sir, who thinks that the whole system of our foreign politics, on which this war was undertaken, has been faulty. I think also, that, springing from the same source, our whole system of domestic policy has been equally faulty. They have run on together in a parallel progress, and have produced the varied calamities which the people have been doomed to suffer. I think, therefore, that whatever may be the result of the negotiation, it will still be the duty of this House to re-consider the system which has produced these evils, and to devise the means of preventing similar evils in future. Peace is the chief thing to be pursued, and if possible, to be obtained: but whether peace itself, without such a change of system as may protect us in future from such calamities, can restore us to our former condition, may be a matter of doubt. Peace would certainly be beneficial, even accompanied by the bad system that has lately been introduced. Peace might enable the people a little longer to endure the evils with which that system is fraught: it might render it a little less pernicious on account of the advantages which would flow from the revival of industry and trade; and therefore, at all events, let us have peace; but let it be thoroughly understood, that in the one case it will only be a palliative, in the other a remedy.—The noble lord who moved the address with so much credit, as to justify the House in entertaining the most promising expectations of him (and the noble lord well knows that it must at all times afford me peculiar pleasure to see him distinguish himself as he has done this evening),—the noble lord, I say, went a little farther than the speech from the throne, and in speaking of the proper period for negotiation, said, that the present government of France, possessing stability and security, was a proper government to negociate with. If you treat with a power, you ought to speak with respect of that power. It is therefore that I approve of the noble lord's sentiment; for it must have struck him, as it must strike every sensible person, that if you mean to negociate you ought to speak with respect and civility of the executive directory. I wish that something more of this kind had been introduced into the speech and the address. I do not mean to say that it was necessary to state the stability and security of the present government of France; but after all the jealousies and personalities that have been entertained, I should have expected that his majesty would have told us to whom he was sending a person; and if not to what government, at least to what country. I should have expected, that if in our differences with Holland, his majesty had sent a person on a mission to the Hague, he would have made mention of the States General. I did expect, therefore, that he would, in this case, have told us, that he meant to send a person to the executive directory of the French republic. I perceive gentlemen on the other side laugh at this expression. Are the members of the executive directory so obscure, that if they had not been named, we should not have known to whom we had been sending a

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person? It is on this account that I thought the sentiment expressed by the noble lord, respecting the present government of France, a proof of his good sense. I know it may be said, that men are apt to be tenacious of their own opinions; that I have carried the opinions I expressed during the American war into this war, and that, as in the former instance, I supported the recognition of American independence, I have in the latter supported the recognition of the French republic. This may be the case, but I must contend, that it is agreeable to common sense, that when you enter into a negotiation, there may be points which are not of a nature to be insisted upon by the power negotiated with, but which are calculated to conciliate esteem, or if you will, to gratify the pride of such a power; that the executive directory are in such a situation as to have their pride hurt by the omission of such points, I do not believe; but if I were negotiating with any gentleman, I should certainly take care not to do any thing that might seem to be a purposed omission, or a calling in question of any of the titles and dignities by which such gentleman was distinguished. If the negotiation should be successful, much would have been gained by an attention to these things. They would have convinced the people that the nature of the contest was changed, and that all ideas of restoring the old government of France, or of interfering in the internal affairs of that country, had been abandoned. I am sure that this would have produced the greatest advantages, on the supposition that the war was to be prolonged.—On the subject of the situation of this country with respect to Spain I shall say nothing, because his majesty has informed us that he is not yet enabled to acquaint us with the issue of the discussions that have been entered into with that power. Ministers say that their conduct has been forbearing: I hope it will be proved so. I hope, too, that the country will learn by the severe lesson which the American war, and the present war, have afforded them, that moderation and forbearance are the characteristics most fitting a great nation, and the most consistent with true magnanimity. I own I was sanguine enough to suppose that the American war had taught them experience—I was mistaken; a second lesson of adversity was necessary; a second lesson they have had, and I trust it will prove effectual. The very apprehension of a war with Spain affords a proof of the short-sightedness of human wisdom. At the time when we entered into the war, Spain and Prussia were our firmest allies. Now, however, we are to expect, that if the war be continued, we are to have an enemy in Spain. Of Prussia I hear nothing, but I may at least suppose that we have no reason to expect any great assistance from that power. It has been said that experience may be bought too dear: as we have paid so dear a price for it, let us at least have the benefits of it, and let us go to negotiation with moderation and forbearance. Of the terms of peace I purposely avoid saying any thing. I know the resources of the country to be still great, and sure I am, that if the people are convinced that the ambition of France renders it necessary to continue the war, those resources will be afforded with the utmost readiness. What are likely to be the terms of peace, I will not even conjecture. What hitherto has been done can only be considered as an overture towards that desirable object; but I have no difficulty in saying, that we ought to negociate in the spirit of great moderation. By the spirit of great moderation, I do not mean that we ought to except degrading terms, but I will not hesitate to say, that I should be inclined to find less fault with terms that may be faulty on the side of moderation, than faulty from a contrary principle.—With regard to the Austrian victories which make a topic of animated exultation in his majesty's speech, it may certainly be right to rejoice in the gallantry they have displayed, and the laurels they have recently acquired. No man admires their great military exertions more than I do; but let it be recollected, that we are called upon to rejoice on their having recovered only a part of what was lost in this campaign, and that it is not because they have reaped successes, calculated to obtain what ministers themselves originally stated the object of the war to be, but because they have saved the house of Austria from the utter destruction with which it was threatened; while we rejoice, I presume we can hardly flatter ourselves that the Austrians are likely to recover all that they have lost in the present campaign, much less what they have lost in all the campaigns that are past; and even this, Sir, must furnish a new subject for reflection, which the achieve-

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ments of our navy still farther serve to corroborate: the achievements of that navy have been brilliant and glorious; at no former period have they displayed greater gallantry, and never perhaps equal skill. No eulogiums can be too high for their merits. Yet after all this, the character of the peace which we are desirous to obtain, and the utmost we can expect, is, that it shall be solid and of permanent duration. Then what must be the sort of conflict in which we are engaged, in which,—after a four years successful exertion of all the skill and all the valour of our navy, in which they have invariably conquered, and carried the flag of England triumphant to every quarter of the world—all our efforts cannot produce to us a peace either brilliant or glorious, but we must content ourselves with hoping for a peace that may be solid and permanent? Must we not own that there is something in the cause in which we are engaged radically defective, that palsies our efforts, and disappoints our strength? that there is something which demands from the common sense and prudence of Englishmen, a rigorous investigation, that we may discover what this something is, not merely to retrieve the present calamity, but to guard posterity against the error in future? A day will come for such a question; and I give my assent to the present address, without moving any amendment upon the points of which I do not cordially approve, because when the day for such a discussion does come, I shall have an opportunity of making the observations that I think it important for the House to entertain upon those points. With this reserve, I shall not oppose the address which has been moved.

Mr. *Pitt* said:—Although I feel myself impelled, Sir, from more than one consideration, to come forward on the present occasion, I shall not be under the necessity of troubling the House much at length. It is certainly to me matter of great satisfaction, that, at so critical a conjuncture, on the only great and substantial question, on which the address proposes to express any opinion, there should be no difference of sentiment in this House. There are indeed many topics on which the right hon. gentleman touched in the course of his speech, in which I now differ with him as much as I did at any former period; but, with respect to the substantial object of the address, there does not subsist the slightest shade of difference. Such a circumstance I consider as matter of just pride and of honest satisfaction. It exhibits the most undeniable proof that the steps which his majesty has taken towards negotiation, that the explicit declaration he has made, are so unexceptionable, that they must command assent from any man who retains the smallest concern for the interest and honour of his country. Impressed with this feeling of satisfaction, I can have but little inclination to detain the House on points of slighter difference. I look with still higher satisfaction to the concurrence now expressed in the object of the address, as the pledge of general unanimity, and the omen of great exertions, if, unfortunately, that object should not be obtained.—The right hon. gentleman justly states, that what has hitherto been done, amounts only to an overture for peace. It is impossible to state what may be the result. We cannot pronounce what will be the disposition of the enemy, or what circumstances may occur to influence the fate of negotiation. We ought to look fairly to our situation. It holds out to us a chance of peace, if the enemy are disposed to accede to it on just and reasonable terms; but, on the other hand, if they are still actuated by ambitious projects, we shall gain another object by the course we have pursued; we shall unmask them in the eyes of Europe; we shall expose the injustice of their policy and their insatiable thirst of aggrandizement! and, if no other advantage be gained, we at least shall be able to put to the proof the sincerity of that pledge which has this day been given, that if the enemy are not disposed to accede to peace on just and reasonable terms, the war will be supported by the unanimous voice of the nation. I trust it will not be necessary to have recourse to such a test of sincerity; but, while we indulge with satisfaction in the hope of a more favourable issue, we must at the same time look to the other alternative. If the unanimity of this day be accompanied with such views, if it is not an unanimity founded merely upon the pleasing sound of peace, and the prospect of the termination of those scenes of horror and calamity with which war is always attended (such an unanimity would indeed be fatal to the country), but if it is an unanimity the result of rational and manly

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reflection, and founded upon a careful consideration of the situation of the country, it cannot then be too highly prized. On this head I shall say no more, and, agreeing thus far with the right hon. gentleman, I would wish to say as little as possible on the other points on which he touched in the course of his speech, and with respect to which we widely differ. The right hon. gentleman has intimated, that we must change the whole system of our interior policy, which he considers inconsistent with the constitution of the country. I am happy, however, to find, that he is so far satisfied with the constitution, as to ascribe to its protection that internal tranquillity which the country has for some time past enjoyed. He at the same time reprobates, in the severest terms, the laws which were passed during the last parliament, and declares that he cannot subscribe to that part of his majesty's speech, which includes those among the laws, the energy and wisdom of which have contributed to secure the tranquillity of the country. Having made this declaration, it would be uncandid on my part not to be equally explicit. I desire no gentleman to vote for the address upon any such qualification with respect to those laws. I am firmly of opinion, that, without them the peace of the country could not have been maintained. They were passed in a moment of alarm and turbulence; and have been found admirably calculated to meet the emergency of the time.—The right hon. gentleman seems to consider that endeavours have only been made of late to procure peace. He ought to recollect that his majesty's speech particularly refers to what has taken place since he last communicated with his parliament. When an examination shall be instituted into the steps which have been adopted to secure the re-establishment of peace, no endeavours will be found to have been wanting on the part of ministers. The right hon. gentleman has told us, that we are at last consented to adopt that course which he has uniformly recommended, namely, to send a person to Paris, and try the effect of negotiation. He takes to himself all the merit of that policy which we have tardily adopted. He says, "You are now taking those measures which, if you had listened to my counsels, you would have adopted four years ago." But does it follow that the measure was right then, because it is right now? May not a period of four years have produced many events to justify a material change of policy? The argument of the right hon. gentleman amounts to this, that either you must make peace the day after the aggression, or not make it at all.—With respect to the relative situation of this country and Spain, it would not be consistent with my duty to go into any detail on that subject at the present moment.—As to the question of our resources, the right hon. gentleman admits them to be extensive and flourishing. They furnish, indeed, a subject of well-grounded confidence. If the revenue after a four years war, and after all the additional burthens which have been imposed, still keeps up to the rate at which it was stated last year, that circumstance is surely no slight source of satisfaction. With respect to our commerce, notwithstanding all the embarrassments with which it has had to encounter, it has attained a pitch of unexampled prosperity. Of the continuance of this prosperity, we have now the best assurance. The state of our exports during the last six months has been equal to what they were in the most flourishing year of peace, 1792; and our foreign trade has even exceeded the produce of that year, which was the most productive of any in the history of this country. Under these circumstances, whatever temporary embarrassments may have arisen from the quantity of specie sent out of the country, from the want of a sufficient circulating medium, from the state of foreign markets, and from the increase of our capital; and however those difficulties may for a time have obstructed the ordinary operations of finance, the commercial character of the country has lost neither its vigour nor importance. If such has been the state of things, at a period when the country has had to contend for every thing dear to it; if, notwithstanding all the obstacles which have clogged the machinery, the spring has retained so much force and energy, we may presume, that, if, by the obstinacy and ambition of the enemy, we should be called to still greater exertions, our resources as yet remain untouched, and that we shall be able to bring them into action with a degree of effect worthy of the character of Britons, and of the cause in which they will be employed. These resources have in them nothing hollow or delusive. They are the result of an accumulated capital, of gradually increasing

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commerce, of high and established credit. They are the fruits of fair exertion, of laudable ingenuity, of successful industry; they have been produced under a system of order and of justice, while we, under many disadvantages, have been contending against a country which exhibits in every respect the reverse of the picture; a proof that the regular operation of those principles must triumph over the unnatural and exhausting efforts of violence and extortion. By these resources we are now qualified to take such steps as may tend to conduct us to a solid and a durable peace; or if we do not succeed in that object to prosecute the contest with firmness and confidence.—The right hon. gentleman wasted a good deal of ingenuity in attempting to prove that the speech ought to have contained an express acknowledgment of the French government. But it ought to have occurred to him, that a passport having been sent for and granted, some communication must have taken place on that occasion, and as the executive directory were satisfied with the form of communication, and the mode in which they had been addressed, it could not be necessary for him to start a difficulty where they had found none. I can assure him, on the part of the British ministers, that no question of etiquette, no difficulty of form originating from them, will be permitted to stand in the way of negotiation.—The right hon. gentleman has suggested what lessons we ought to derive from the experience of adversity. These lessons may be greatly varied according to the situation of the parties and the different points of view in which the subject is considered. But when the right hon. gentleman tells us, that the situation of this country is that of adversity, I can by no means agree to the proposition. Of the virtues to be acquired in the school of adversity, the right hon. gentleman only mentioned those of moderation and forbearance. Moderation, I should consider as that virtue which is best adapted to the dawn of prosperity: there are other virtues of no less importance which are to be acquired under a reverse of fortune; there are the virtues of adversity endured and adversity resisted, of adversity encountered, and adversity surmounted. The recent example of Germany has furnished an illustrious instance of fortitude and perseverance, and their fortitude and perseverance have had their merited reward. These are lessons which I trust this country has not to learn. England has never shown itself deficient in firmness and magnanimity: unrivalled in its resources, it has always been foremost in the career of honourable exertion; and I trust it has only to maintain its accustomed vigour and perseverance, to effect the restoration of general tranquillity, upon terms consistent with the dignity of its own character, and the security and interest of Europe.

The Address was agreed to *nem. con.*

The King's Answer to the Commons Address.] To the Address of the Commons his Majesty gave this answer:

"Gentlemen;—I return you my particular thanks for this dutiful and affectionate address. The cordial and unanimous assurances of your continued and zealous support afford me the utmost satisfaction in this important conjuncture: they must have the happiest tendency to give effect to my endeavours for the restoration of peace on secure, honourable, and adequate terms; and they afford me, at the same time, a just confidence, that if this desirable end cannot be obtained, I shall be enabled to prosecute the war with redoubled vigour and activity in support of our dearest interests."

Quakers' Relief Bill.] Oct. 17. Mr. Serjeant *Adair* rose to move for leave to bring in a bill for the relief of the people called Quakers. In the last parliament, the principles on which the bill was framed, gave universal satisfaction.* The object of the bill was two-fold: first, to grant relief to the Quakers, with regard to the imprisonment of their persons for non-payment of tythes; and, in the next place, to render their affirmation evidence, in criminal as well as in civil cases. Nothing could be more congenial to the principles of justice, than to extend that relief which the bill intended, to a body of men who were universally allowed to be as unoffending, and as obedient to the laws, as any set of men in the country; and certain he was, however we might differ from them on account of their religious scruples, that the House, actuated by the principles and love of liberty, would be ever ready to give way to the scruples of persons upon matters of religion or conscience, and while they were satisfied that those scruples were sincere, would

* See p. 1023 of the present Volume.

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treat them with respect and indulgence.—The legislature had formerly granted indulgencies to the Quakers respecting the payment of tythes. They considered the payment of tythes, in a certain form, as contrary to the divine law, and therefore thought they ought not to obey a human law, if it appeared to them contrary to the divine one. That they were sincere in that opinion was evinced by its having been productive of many temporary inconveniencies to them, having subjected some of them to perpetual imprisonment, which they suffered in silence rather than give up their scruples. Under these circumstances, the legislature had taken the subject into consideration, and accordingly we find, that in the 7th and the 8th of king William it was provided, that where the payment of tythes did not exceed 10*l.* a remedy was given to the Quakers in a certain manner there described, and experience had shown the wisdom of that measure. It was his object now to make the principle of that measure more extensive in its effect. The Quakers did not object to the payment of tythes, provided they were not made active in their obedience to the law, by which tythes were claimed of them, but their scruples of conscience led them to think it a breach of the divine law for them to be active in their obedience to a civil institution, which they considered as repugnant to divine authority: and as our law now stood, the process might be such as to compel them to be thus active against their conscience; they therefore were subject to perpetual imprisonment when an attachment was issued against their persons for the non-payment of tythes. To this perpetual imprisonment they had submitted, rather than be active in the payment of tythes. It was with a view of relieving these conscientious men that he brought in the bill which passed that House in the last parliament; and which it was his object now to renew. In the reign of George 1st, there was a measure similar to this introduced, but as it did not go beyond the sum of 10*l.* it had been found inadequate to the grievance which it was its object to redress. It was his intention to adopt the principle of that bill, to conform to its provisions, and to give additional power as to the means of obtaining costs. The measure he was proposing had nothing new in its nature; it was only enlarging the amount of the sum for which the remedy was already provided: but although he wished to relieve the Quakers from the hardships they suffered, yet he had no view of doing so without a due regard to the interest of the clergy; on the contrary, the measure would facilitate the recovery of their demands, for as the law now stands the clergyman loses his profits when the Quakers submit to perpetual imprisonment. In cases of much legal difficulty, such as modusses, &c. he should propose the question to be referred to the superior courts, since gentlemen in the commission of the peace, could not be expected to understand all the intricacies of such points. But if it should appear that the party prosecuting his claim had had recourse to the higher authority when the inferior jurisdiction was competent to decide it, then such party should have no more costs than if he had pursued his remedy in the ordinary way.—There was another point, however, to be considered. In criminal cases the judges had often seen and lamented the mischief that arose from excluding the crown and the public from the benefit of the evidence of Quakers; and therefore he should propose the taking the affirmations of Quakers in criminal as well as in civil cases. This was analogous to the principle which had guided our courts in their proceedings upon evidence. The bill would therefore enact, that the affirmation of Quakers should be taken in criminal cases. When he stated this, he knew there were many Quakers who did not wish it; but he should do it, because he thought it was a provision which the administration of justice called for; as he had known many who were guilty of the most atrocious offences escape punishment on account of this deficiency in the admissibilty of evidence. He then moved, "That leave be given to bring in a Bill for the farther relief of the people called Quakers, as to the imprisonment of their persons for non-payment of tythes; and for making their solemn affirmation evidence in criminal as well as civil cases." The motion was seconded by Mr. Abbot, and agreed to.

Debate in the Commons on the threatened Invasion.] Oct. 18. The House having resolved itself into a Committee to consider of the paragraph of his majesty's Speech, which relates to the enemy's having manifested an intention of attempting a descent on these kingsdoms,

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Mr. *Pitt* rose and said:—After the unanimous vote which the House gave upon the first day of the session, and their general concurrence in that part of the Address which respects a foreign invasion, it would be doing injustice to the feelings which were then expressed, were I to make any apology for calling their attention to the subject on the present occasion. I shall not detain them therefore a single moment in showing the propriety of laying before them at so early a period the measure which I mean this day to propose. It is equally our duty and our interest, by every means in our power, to preclude the attempt, and to take such measures of defence as shall turn it to the confusion and ruin of the enemy. I shall not at present go much at large into the detail of preparations, but merely suggest a general outline of defence, which, if approved of, may be discussed when the bills are afterwards brought in upon the resolutions. The general considerations are few and obvious. The natural defence of this kingdom, in case of invasion, is certainly its naval force. This presents a formidable barrier, in whatever point the enemy may direct their attack. In this department, however, little now remains to be done; our fleet at this moment being more formidable than at any other period of our history. But strong and powerful as it at present is, it is capable of considerable increase, could an additional supply of seamen, or even landsmen, who in a very short time might be trained to an adequate knowledge of the naval service, be procured. For this purpose I would suggest a levy upon the different parishes throughout the kingdom —an expedient precisely similar to that which was practised with so much success nearly two years ago. This levy, however, I would not confine as a mode of supply for the sea service. It is certainly of the highest importance, both for the internal defence of the country and the security of our foreign possessions, that all the old regiments should be complete. But every one must be sensible, that from the numbers in those regiments who have fallen a sacrifice to sickness and the fortune of war, a more expeditious method must be adopted for their completion, than the ordinary mode of recruiting supplies, in order that the country may be able to avail itself of this arm of strength. I would propose, therefore, in the first place, a levy of 15,000 men from the different parishes for the sea service, and for recruiting the regiments of the line. The committee, however, must be sensible, when a plan of invasion is in agitation—a scheme, which almost at another time would not have been conceived, and an attempt, which, by any other enemy than that with whom we have now to contend, might have been justly deemed impracticable—that a more extensive plan of prevention and of defence is necessary.—In digesting this plan there are two considerations of which we ought not to lose sight. The first is the means (which must not be altogether new) of calling together a land force sufficiently strong to frustrate the attempt, keeping our naval force entirely out of view; and secondly, to adopt such measures in raising this force as shall not materially interfere with the industry, the agriculture, and the commerce of the country. It will be for the House to decide upon the degree to which the former consideration ought to be permitted to interfere with the latter. A primary object will be to raise, and gradually to train, such a force as may in a short time be fit for service. Of all the modes of attaining this object, there is none so expeditious, so effectual, and attended with so little expense, as that of raising a supplementary levy of militia, to be grafted upon the present establishment. I should propose that this supplement shall consist of 60,000 men, not to be immediately called out, but to be enrolled, officered, and gradually trained, so as to be fit for service at a time of danger. The best mode of training them, without withdrawing too many at one time from their regular pursuits, will be to embody one-sixth part in regular succession, each to be trained for twenty days, in the course of which they may become tolerable proficients in the military exercise. With respect to the mode of conducting the levy, the returns that have been lately made from the different counties show the present levies to be extremely disproportioned, and that the clause in the act which provides against this abuse has never been executed. Accordingly we find that in some counties the proportion is one out of seven, and in others one out of three. It will be expedient therefore to regulate the future levy, not by the proportions now existing, but by a general estimate of the inhabitants who are able to bear arms.—The next consideration

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which merits attention is the manner in which the troops are to be furnished, which I think ought to be generally from all parts of the kingdom, and that an obligation be imposed upon those who are balloted, either to serve in person or to provide a substitute: and the better to preserve the general proportion, that this substitute be provided either from the parish in which the person balloted resides, or from a parish immediately adjoining. It will be proper also to remove the present exemption from those who have more than one child, on the express condition that they shall not be called upon to serve out of the parish in which they live. The mode of training only one-sixth part of the whole, twenty days in succession, as it will only withdraw ten thousand at a time from their usual occupations, will not much infringe upon the general order of the community. Of course they must be provided with some sort of uniform, but it will be of the coarsest kind, and such as may be purchased at a small expense. A sufficient number of arms will also be in readiness for supplying each man in the moment of danger.—Another measure which I would suggest to the committee is, to provide a considerable force of irregular cavalry. The regular cavalry on the present establishment is certainly by no means inconsiderable, and the yeomanry cavalry, which from their numbers are sufficiently respectable, we have found to be highly useful in maintaining the internal tranquillity of the country. But with a view to repelling an invasion, the more this species of force is extended, the greater advantage is likely to accrue from it, as an invading enemy, who must be destitute of horses, can have no means to meet it upon equal terms. Besides, it is a species of force which may be provided in a mode that will be attended with almost no expense to the public, and with little hardship to individuals. In order to calculate the extent to which these irregular cavalry may be raised, it is necessary to estimate the number of horses which are kept for pleasure throughout the kingdom, and by raising the levy in this proportion, it will fall upon those only who have a considerable stake to defend. By the produce of the tax, which is as good a criterion as any of the number of horses kept for pleasure, we find that, in Scotland, England, and Wales, they amount to about 200,000, 120,000 of which belong to persons who keep only one horse of the kind, the rest to persons, some of whom keep ten and various other proportions. It certainly would not be a very severe regulation, when compared with the object to be accomplished, to require one-tenth of these horses for the public service. I would therefore propose, that every person who keeps ten horses, shall be obliged to furnish one horse and a horseman to serve in a corps of cavalry; that every person who keeps more than ten horses, and a number falling short of twenty, after furnishing a horse and horseman for the first ten, shall subscribe a proportionate sum for the rest, which shall be applied to defray the general expense; that those who keep twenty shall furnish two, three of thirty, &c. and that those who keep fewer than ten shall form themselves into a class, when it shall be decided by ballot who, at the common expense, shall furnish the horse and the horseman. These troops thus raised will be provided with uniforms and accoutrements, formed into corps, and put under proper officers.—There is still another source which ought not to be neglected. Upon the supposition of an invasion, it would be of no small importance to form bodies of men, who, from their dexterity in using firearms, might be highly useful in harassing the operations of the enemy. I allude to that description of men called gamekeepers, and to others of the same class. But I particularly allude to those instances where gentlemen are gamekeepers for their own amusement, and not of necessity but of choice. In such cases, there can be no hardship in obliging those gentlemen, if we cannot have their personal services, at least to find a substitute. I therefore propose, that those who shall have taken out licences to shoot game, or deputations for game keepers, shall, within a certain period, be at liberty to return the same if they think proper; but if, after that period, they shall continue their licences or deputations for gamekeepers, then they shall be obliged to find substitutes. I observe gentlemen smile at the idea of raising a force by such means, but that smile will be converted into surprise, when they hear that the number of persons who have taken out those licenses are no fewer than 7,000. The number of cavalry which I propose to raise in the manner I have mentioned will be 20,000. Thus have I pointed out the means by

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which I propose to raise 15,000 men, to be divided between the sea and the land service, to raise a supplemental levy of 60,000 for the militia; and to raise 20,000 men for the cavalry. I now move that the chairman be directed by the committee to move the House, "That leave be given to bring in a bill for raising a certain number of men in the several counties of England, and in the several counties, Stewartries, Royal Burghs, and towns, in that part of Great Britain called Scotland, for the service of his majesty's army and navy."

Mr. *Sheridan* said:—I must confess, Sir, that I expected the right hon. gentleman would have accompanied his statement of defensive operations with some explanation of the reasons why it is necessary to take such measures at all. The plan, if put in execution, will impose additional burdens on the people, and such being its tendency, it was reasonable to expect that its necessity would have been evinced. If this House of Commons is not disposed to follow the example of the last parliament, to sacrifice the rights of the people to the regal prerogative, and to surrender with the blindness of implicit confidence the direction of public affairs to the ministers of the crown, I trust, as there are more new members in this than in any former parliament, that they will think it their duty to demand some farther information upon the subject, before they assent to a project so new and unprecedented. I wish to be informed whether ministers know any thing of what is passing in France, or whether any preparations have been making for such an attempt? If they are ignorant of this, the secret-service money voted by parliament must have been grossly misapplied. If they build their opinions upon such rant, as Dumourier's fixing the French flag upon the tower of London; if they are influenced by some idle speech or rhodomontade of any member of the two councils, I say that such speeches cannot be called a manifestation of an intention to invade us. Yet I wish to have it understood, that if any such intention is really entertained, I have not the slightest doubt that the event will be utter ruin and confusion to the enemy. Sir, if the enemy think that the country would not rise against them as one man; if they have any idea that they should be joined by any part of the inhabitants; if they suppose that they should not be overwhelmed by the mass that would be opposed to them, they and their ministers must be dupes indeed. Without detracting, however, from the ardour and spirit of any person, I must confess that I have not that military Quixotism, that chivalry of patriotism about me, as to wish, like some gentleman in the city, that 400,000 men might land merely that the courage of the country in defeating their attempts, might be made manifest. Sir, an invasion is not an event to be wished; but when I say, that it is not to be wished, I must be understood also to have no fear, no doubt, what the consequences would be if any such project were carried into execution. To the statements produced by the right hon. gentleman, I do not mean to object; but the House ought to know, that the belief of ministers of the danger of an invasion is well-founded. This is not the first time that the country has been alarmed with the idea of an invasion. In a former war it was known that a large body of troops was collected on the French coasts under the command of, I believe, marshal Saxe. It was known, too, that the French ports were full of ships, calculated for the purpose of making a descent; this was some manifestation of an intention to invade the country. Have ministers information of similar preparations now? If they have, I must confide in their assurances. But if they consider the idle rant, and rhodomontade of any member of the legislature of France, as a sufficient manifestation of the project of an invasion, such grounds I consider as too light and unsubstantial to found upon them a measure of such importance as the present. The idea of invasion is by no means new. I will not disguise my opinion that this note of preparation is sounded for a purpose very different from that which has been this day professed. We have heard that the French armies have been completely defeated and even annihilated in Germany, and except, like the frogs in the marsh, who were afraid of being attacked by the conquered bull, ministers suppose that the French, after being routed by the emperor, are to come over and attack us, it is difficult to reconcile their present alarm with their other representations. But supposing the French really intend to invade us, what is the natural inference that they will draw from the resolutions which have been opened? Do they not proclaim to the

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enemy, that till the new force which it is proposed to collect and to train is brought into action, we are not in a proper state of defence, and thus point out the intermediate time as the proper moment for making the attempt. But I am persuaded, that the plan now in agitation, points to a very different object, that it is in the contemplation of ministers to prolong the war, with the view of extending our possessions in the West Indies. I do not oppose the resolutions. I wish only to have some farther explanation, and to be informed whether the danger of an invasion is such as to require these measures of prevention. We are called upon to raise a great cavalry force for a very curious reason, because the enemy cannot easily import cavalry into the country. As well, supposing them to attack us only with cavalry, might it be said, that we ought only to have infantry to oppose to them. I have no objection to club for a horse, or to exercise in Hyde Park, and I dare say the right hon. gentleman is very well acquainted with the maxim of ride and tie. I confess, however, I cannot perceive the propriety of enlisting a corps of gamekeepers, as if a gamekeeper only had the heart to be a soldier. I am sure I know many gentlemen who are infinitely more expert shooters than their gamekeepers.

Mr. Secretary *Dundas* said:—The hon. gentleman wishes for some explanation from ministers, the effect of which demand, however, another part of his speech wholly supersedes. He calls for some information upon the subject of the invasion which has been announced by the enemy, in addition to what his majesty's speech contains, while at the same time he professes that he can place no confidence in their assurances. The hon. gentleman hopes, too, that the present parliament will not imitate the conduct pursued by that by which it was preceded. With regard to the present parliament, it must speak for itself. Those, however, who witnessed the public-spirited acts of the last parliament, must entertain the highest respect for it, and rank it with the most venerated parliaments this country had ever known. Ministers have stated, that a design has manifested itself in the enemy to invade this country; and I conceive they would have been wanting in their duty had they failed to call upon the force of the state to avert the danger or to disappoint the attempt. Whether the preparations that have been made will end in a descent upon this country it is impossible to decide. There are appearances of a disposition to make the attempt, which justify ministers in wishing to put the state in a posture of defence. Seeing what the enemy have already done, and the preparations they have made, it is prudent to adopt precautions. For my own part, I have no hesitation in giving it as my opinion, that upon these precautions it depends whether the projected invasion will be carried into execution. By showing that every thing has been done to secure our internal safety, we induce them to abandon a design which presents no hope of success. The hon. gentleman says, that military operations may be undertaken with the troops to be raised, of a nature entirely different from the avowed purpose. If ministers wished to undertake any military operations that were inconsistent with the interest of the nation, parliament had the power to check their designs. If the present negotiation should be unsuccessful, gentlemen cannot mean to say, that this country should be tied up from offensive operations, and in the event of the prosecution of the war our defence at home, may depend upon the ability we possess to attack the enemy abroad. I think it therefore of essential importance to augment our regular force, for the defence of these kingdoms, and to carry on the military operations that circumstances may dictate, against an enemy that has evinced a disposition to destroy our commerce and to disturb our internal tranquillity.

Mr. *Fox* said:—In this stage of the business it does not appear to me to be the duty of any man to make an opposition to the measure proposed; but even in this stage of it I have no difficulty in saying, that from the sense I have of the general plan, there are many parts of it, to the adoption of which no eloquence is likely to reconcile me. The right hon. gentleman observes, that at all events this country ought to make great preparations at home, and that if we should be under the necessity of going on with the war, these preparations may be beneficial to us in many respects. I object to the generality of this mode of speaking, because it conveys to us no specific information, and is likely, from being just in the abstract, to entrap some into an approbation of measures of dangerous consequence. That if we are

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compelled to go on with the war, great preparations will be necessary, is a truth which nobody disputes; but it is a truth which conveys to us no information. It is applicable to this war, was applicable to the last, and will be applicable to every war. The right hon. gentleman should have applied his reasoning a little more closely; he should have come to the proposition which is now before the House. The question is this,—is the proposition before us fit to be adopted under our present circumstances? If it be, then I say, that, for any evidence that appears before us, it was fit in 1756, was fit in 1778, was fit in 1794, and has always been fit in every period in which this country has been engaged in war. But, for the whole necessity of the measure, we have only the authority of the king's ministers, on which I do not choose to rely.—The right hon. secretary has thought fit to pronounce a panegyric on the last parliament, and to recommend its conduct for the imitation of this. My opinion of the last parliament is, that it has done more mischief to the country than any that ever sat since parliaments were recognized in England; at least, since parliaments had any credit for attending to the interests of the people. Show me a parliament, in consequence of whose proceedings the people have been drained so much, and from which they have had so little benefit! Show me a parliament since the year 1688, the era of our Revolution, that has diminished the best and dearest rights of the people, so shamelessly, so wickedly, as the last parliament have done! Show me a parliament since that period that has so uniformly sacrificed the liberty of the subject to increase the influence of government, as the last parliament have done! To make it the subject of panegyric—to state its proceedings to be such as to be worthy of imitation—is beyond endurance Sir, I consider the last parliament to have been a curse to this country. The leading principle on which they acted was that which leads directly to complete despotism—unlimited confidence in the ministers of the crown. Show me a parliament since the Revolution, that has given such a confidence, and look at the effect of such practice! This is the only war that has ever been conducted on the part of this country, in which there never has been one inquiry on the part of parliament. You see to what a state that has led you already. Should this parliament be like the last (God in his mercy avert it!) this country will soon be in a condition, in which it will be of little importance, whether they have a parliament or not. But for the conduct of the last parliament we should not have heard of the measure which is now proposed to us. Ministers tell us, that the measure which they now propose is necessary to our safety. If it be so, it is their own conduct and the conduct of a confiding parliament, which has brought us into that situation. And what is the measure which they now propose? Why, it is, in its nature, a requisition; an imitation of the system of the French, against which so many vehement declamations have been pronounced: against the principle, applying it to a settled state, justly; but as against the French, in their condition, in my opinion, improperly, or at least in too unqualified a manner. Ministers now tell us, however, that our situation is such as to call for this measure. Granting it to be so for the sake of the argument only, I would then ask, what has brought us into that situation? To this I answer, the confidence, the criminal confidence, of the last parliament. One inevitable effect of that confidence of parliament in the minister has been the want of the confidence of the people in the integrity of parliament.—The right hon. secretary says, "it is good to be prepared." Certainly it is so; but when he comes to us, and makes this requisition, it is incumbent on him to show us the reason why we should be thus prepared. How stood the case in former periods of this war? In 1794, there was as much reason for such a measure as there is now; there was then as much of a rumour of an invasion as there is now; and so the ministers told us at that time. The House, upon the faith of the ministers assertions, agreed to measures of the most unconstitutional nature, to avert, as it was supposed, the impending danger. Such measures, although unconstitutional, were then thought to be necessary; and they were thought also to be sufficient to keep the French from attempting the desperate measure of an invasion. Are the French now more likely to make that desperate attempt than they were then? Or, are we not now in a better situation than we were then? I conceive that ministers themselves would answer these questions in a manner very consolatory to the peo-

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ple of this country. Such was our state in 1794. What is it now, and what the difference between the two situations? Ministers now tell us, that an intention has been manifested on the part of the enemy to invade these kingdoms. I am too much accustomed to the artifice of ministers to receive any very deep impression from what they say. Did they not say formerly what they say now, that the enemy had some intention of invading this country? Certainly they did, and they were entrusted with force sufficient to prevent that calamity.—"But," says the right hon. gentleman, "I am of opinion, that, as it may be necessary for this country to carry on an offensive war, this measure may be of great advantage, inasmuch as we may thereby be the better able to avail ourselves of our forces." To this, as a general proposition, I do not object. But then I say to ministers, "Bring before us the facts on which you say this measure is necessary. What I object to is your duplicity. If you really want this force, and to the extent you say you do, show me the reason for it, and I will grant it cheerfully. But do not ask any thing to carry on the war abroad under the mask of defending us at home; for in that case you are asking under a false title what, under a real one, the people would not grant you; for I know they will grant to you to prevent an invasion at home, what they would refuse with indignation, if asked to carry on the war abroad."—But, Sir, it seems we are to have the responsibility of ministers for the due application of the grant which they now call for. Look at the extent to which the principle of voting such extraordinary measures as these, upon the idea of responsibility, may lead you. By it you will introduce a practice that must deprive the people of all their rights and all their property. If it should turn out (not an extravagant hypothesis), that all this story about an invasion is a mere pretence to gain the consent of the people to the measure now proposed, and that the real object is extremely different, what then will become of the boasted responsibility of ministers? How are we to make them responsible? We may say, and say truly, that "the event has proved there was no danger of an invasion when this measure was adopted." To which the ministers may answer, and be assured they will, "True, there was no invasion, but then it was owing to the very measures which we proposed, and you adopted, that the invasion was prevented." How, then, are we to make ministers responsible for what they do under such a measure as this? The idea of responsibility in such a case is perfectly ridiculous. Why, Sir, at this rate you may go on and do every thing that the minister may ask you, until you have totally destroyed the constitution; the principles have already been too much invaded by the measures of the present ministers. There are some inconveniences that necessarily arise out of a free constitution. I know that many authors of great eminence have pointed out those inconveniencies. I do not deny it, although I have never seen them in so strong a light as the authors I allude to say they did; but the advantages resulting from a free constitution are so great, that I cannot patiently argue upon them, when they are put in the scale against the supposed advantages of a contrary form. Be that as it may in the opinion of others, I say, you cannot argue that subject in this House; for the people of this country have made their election: they have chosen a free government, and it is your duty to preserve it with all its inconveniences, if there be any that are worth mentioning. If, therefore, when ministers pretend an alarm, you are to give them whatever power they may ask for, when it is impossible you can attach any responsibility to them, as I have proved already in this case you cannot, why then you desert the point on which the people of the country have already made their election; and, instead of the blessings which your ancestors intended for you, you take what may appear to you, but what never appeared to me, the advantages of despotism. This would be a fraud upon the people of this country. I know the eloquence that has often been employed in attempting to show, by a flourishing antithesis, that we possess all the advantages of a free government and those of a despotic monarchy, by possessing the wisdom which arises from a free discussion of the representatives of the people, and the promptitude and dispatch of an unlimited monarchy. Such an antithesis may answer the purpose of an ingenious orator; but it can avail but little to any man who wishes for the safety of our constitution. I am of opinion, that our constitution, in its true spirit, cannot mix with any thing despotic. Have recourse to

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experience, the only unerring guide, read the history of this country, and then show me out of what page it is that you have discovered when it was, that the maxims of a free government have been united with the principles of despotism. I know it cannot be done. I know also, that if you attend to history, and take it as a lesson, you will return to your ancient distrust and jealousy of ministers, whoever they may be, and that you will examine minutely into their conduct. Reflect on the consequences of the contrary practice. You see now before you the effect of it. Confidence in the first instance, renders confidence necessary in the second. Confidence in ministers induces them to take measures which they cannot continue without farther confidence; they are obliged to call for it in their own defence; and in that career you may proceed until you have confided away the whole spirit of our constitution, I am afraid you have advanced in that career much too far already. In my opinion, the spirit of the constitution has been almost entirely set at rest for a time, by the measures of the last parliament. Let it be the practice, for it is the duty, of the present to revive it.—There was an expression in the speech of the right hon. gentleman to which I cannot help alluding. He said, "if the present negotiation should be unsuccessful, then the present measure will be advantageous to this country." No man wishes more heartily than I do that it may be successful; but I am not sure that the same feelings are entertained by ministers. I hope they are. I say this by way of caution, lest the world should suppose I am such a devotee to the present administration as to suppose that any negotiation in which they may fail, may render peace to this country totally unattainable. Although there are many new members in this House, they know, I believe, enough of my opinion of this war to be well satisfied that I abhorred its commencement. That feeling remains completely unchanged; and whatever opinion the people may have upon the propriety of the measure which is now proposed for the defence of this island from an invasion, I trust this country will never relinquish the opinion, that the war was in its principle and commencement unjust, unnecessary, and diabolical. If it shall unhappily become our lot to defend ourselves against an invasion, ourselves we must defend; but whether the proposed measure is more or less than we ought to agree to, or one that we ought to try, are questions of detail, and therefore to that detail I shall defer them. That part of the plan which refers to the game keepers appears to me to be a measure of violent injustice to a class of persons who already contribute pretty handsomely to the support of the state.—There is another part of the plan which I cannot pass by in silence. The navy of this country is so much and so justly, the favourite service of it, that no man is willing to find fault with it. I feel, in common with all my countrymen, gratitude to the navy; but the circumstance of impressing men, even into that service, great and valuable as it is, would not be a part which a judicious friend to it would select for the subject of his panegyric. I am not now arguing the policy of the practice; for great as the grievance may be to the individuals who are the objects of it, the discussion will be unseasonable until we shall find a better mode for providing for that service. But upon the subject of forcing men into the land service the case is widely different; so much so, that I have never yet heard it defended in this country; and yet this measure seems to me to have that tendency, for out of the force which is proposed to be raised, there is to be a certain proportion for the navy, and a certain proportion for the land service. I cannot, for one, conceive any danger to which this country can be exposed, that would make me assent to a measure that had for its object the impressing the subjects of this country into the land-service. I cannot assent to any measure that has for its object the increase of the military force of the kingdom in that manner. This is entering into the very spirit of the French requisitions, which we decry so much. The chancellor of the exchequer says, that only one-sixth part of them shall be exercised at a time, that is, only 10,000, and they will not be called to the service but in case of actual exigency. Now, are not these the very words of the act of parliament with regard to the militia, which says, "unless in case of invasion or imminent danger thereof?" The consequence will be that the military force thus raised will be subject to military law. We are told, that the military force which is now proposed to be raised, is only to act in case of emergency. What is that to be? When

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the French shall land upon our coast? No such thing; I know that such a restriction cannot, and ought not to be imposed upon executive government; because you should repel the danger when you are threatened by it. Why then it will amount to this, that whenever ministers shall think fit to allege there is danger, the whole of this military power to be entrusted to them for the internal defence of this country in case of invasion, will be entirely at their disposal. What security have we, that no abuse will take place as to the application of this enormous force? What security have we, that we are not now voting a force, said to be intended for one purpose, but which is really to be applied for a different object? I do not know what information ministers may have respecting the intention of the French to attempt an invasion of this country. I believe the French have no such intention, for they have a government which is likely to be much better informed of the disposition of the people, and the situation of this country, than to be led to any hopes of success in such an attempt, therefore I believe they will not be guilty of the folly to attempt it. But supposing they had such desperate intentions, I have no doubt of the issue. My hopes upon that subject are as sanguine as those of any man in the country. But what ought we to do in the mean time? what is the duty of this House at this moment? To cherish the spirit of freedom in the people; to restore to them that for which their ancestors have bled; to make the ministers really responsible. Let their parliament not be confiding in the servants of the crown, but watchful and jealous of the exercise of their power. Restore to them the right of popular discussion. Allow them to state freely the grievances they feel. Repeal those laws which have forbidden the exercise of their most invaluable rights. In one word, instead of amusing them with panegyricks upon the form, allow them to possess the spirit of the old constitution of England: then will you indeed see the energy of the people of England, and then will you have no occasion for adding to your internal military force; for then even an invasion would never be formidable. These are your real resources: the rest are imaginary. I shall give no opposition to the plan before the committee in its present stage; but I think it fair to say, that some of the parts of it are such as, in the detail I shall think it my duty to oppose.

Sir *W. Pulteney* did not expect that any difference of opinion would have arisen on the present question; a question, in his mind, that embraced so many salutary objects. He had only one objection to it, and that was, its being a half measure; it ought to be extended to the full point; and on that ground he should meet the wishes of the minister with double pleasure. It was evident the French had an invasion of this country in view, and it therefore became the executive government to make every necessary preparation. As this force was to be commanded by country gentlemen, it could not be called an increase of the power of the crown, on the contrary, he considered it to be an increase of the power of the country against the crown.

The Resolution was agreed to, and bills for augmenting the Militia and for raising Provisional Cavalry were ordered.

Debate in the Commons on the Army Estimates.] Oct. 21. The House having resolved itself into a Committee of Supply to which the Army Estimates were referred,

Mr. *Windham* (secretary at war), said, that the estimates on the table contained details of the most material arrangements of the current year. As it would be recollected that a diminution in the number of troops on the establishment had taken place last year, from which a saving of 800,000*l.* arose, it would not be expected that any considerable diminution would take place in the amount of the present estimates. The whole force of this country, consisting of the common distribution of guards and garrisons, colonies, and plantations, amounted to 195,674 men, the expense of which would amount to 5,190,000*l.* The army at home amounted to 60,765 men, from which arose an excess above last year of 11,546 men. The army abroad, comprehending the troops in the West Indies, in Corsica, Gibraltar, Canada, Nova Scotia, and every foreign service, except those in the East Indies, amounted to 64,276 men. The militia was nearly the same as last year, with the difference of the city regiments. He then moved, "That a number of Land Forces amounting to 60,765 effective men, commissioned and non-commissioned officers included, be employed for the year 1797."

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General *Tarleton* complained, that the right hon. gentleman, in stating the amount of the army establishment, had not given any particulars of its application His majesty's speech, however, had directed their attention to the achievements which had been performed by our troops in different parts of the world. Where, then, were the instances in which the courage and conduct of our troops had been displayed? His majesty's speech formerly had held out great promises of exertions in the West Indies, and the exploits which had been achieved in that quarter had been considerably extolled. He did not think, however, that there was much subject of boast.—Whether we looked at the general state of the West Indies, or at particular islands, there was not much room for satisfaction or exultation. The Caribs in St. Vincent's were still in a state of insurrection. The troubles in Guadaloupe, and various other islands, still interrupted the industry of the inhabitants. Victor Hughes had not been dislodged, nor his operations disconcerted. In St. Domingo, the melancholy ravage which had been made by disease afforded no satisfaction in the review.

Mr. *Fox* said, he had heard that the engagement made on the part of this country with the Maroons had not been faithfully adhered to. He understood this to be the opinion of an officer, with whom he had not the honour of being personally acquainted, but of whose military talents and private worth he had a high opinion. He alluded to colonel Walpole. This was, however, nothing but a report, and his chief object in alluding to it was to learn what credit it deserved.

Mr. *Bryan Edwards* said:—Not having had the honour of a seat in this House until the present parliament, it may appear presumptuous in me to call the attention of the committee to any observations of mine; but being perfectly well acquainted with the subject to which the right hon. gentleman alludes, I beg the indulgence of the committee while I state a short history of the Maroon negroes; the cause of the late war between those people and the inhabitants of Jamaica; and the conduct of the colonial assembly in the termination of the business. The Maroon negroes, are the descendants of the Spanish negroes, who, when the Island surrendered to the English in 1655 took to the woods. You will find in Thurlow's State Papers an account of them, which was transmitted to government by general Venables. He relates that it was impossible to come to any treaty with them, that they were wild and lawless savages, who had no moral sense, and on whom neither persuasion nor gentleness could make any impression. They were therefore left in possession of the interior country, and continued masters of it for near a century; murdering without mercy all such white persons as attempted to make any settlements near them, not sparing even the women and children. In 1739 governor Trelawney, after a long and bloody war, entered into a treaty with them, granting them security and freedom on certain conditions, and compelling them to reside in towns or villages apart from the negroes in servitude. In 1760 I became acquainted with these people, and I soon observed that they were suspicious allies, and would, some time or other, become very formidable enemies. Yet it is not true, as was stated in this House, that the inhabitants of Jamaica wished to get rid of them. The inhabitants, in general, conceived the highest opinion of their utility, and treated them with the utmost kindness: they never asked a favour of government or of the assembly that was refused them. Concerning the origin of the late war, the case was this: two of the Maroons having been guilty of a felony in the town of Montego Bay, by stealing from a poor man two of his pigs, were tried according to law, and according to the very letter of their treaty, and sentenced to receive a few lashes at the cart's tail. The sentence was mild, and the punishment not severe; but the whole body of the Trelawney-town Maroons, in revenge for the indignity offered to two of their number, immediately took to arms, and soon afterwards actually proceeded to set fire to the plantations. Colonel Walpole had undoubtedly the merit, under the judicious orders of the earl of Balcarras, of putting an end to this unnatural rebellion; and if those two distinguished persons differed in opinion concerning the terms on which the Maroons surrendered, it is exceedingly to be lamented. They both deserved equally well of the community and the country at large. Such, however, I am sorry to say was the fact, and the governor therefore very properly left the whole to the determination of the assembly. The first conditions on which the

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Maroons were to surrender, were these; 1st, That they should, on a day appointed, give up their arms, and surrender all the fugitive enslaved negroes who had joined them; 2nd, That they should ask the king's pardon on their knees. On these terms their lives were to be spared, and permission granted them to remain in the country. Now, Sir, it is a fact not to be denied that they did not surrender on the day fixed, and that they did not, then or on any day afterwards, give up the fugitive negroes. I do not believe that colonel Walpole avers that they did. The colonel, who is not less distinguished for his humanity than his bravery, thinks, I believe, that it would have been generous in the assembly to have imputed their not surrendering in time to their ignorance, rather than to any wilful delay; and politic to have let them remain in the country; but I do not conceive that he charges either the earl of Balcarras or the assembly with treachery. The assembly, however, thought that men who had violated their allegiance, and entered into a bloody and cruel war, without provocation were unfit to remain in the island; yet, in the disposal of these people, they manifested a degree of generosity and tenderness which is without example. After providing them with proper clothing for a change of climate, the assembly sent them to North America, and appointed three gentlemen to accompany them thither with a sum of 25,000*l.* to purchase lands for their future settlement, and for their maintenance for the first year; after which it is hoped from the example of the white people, with whom they are settled, and being removed from the former wild and savage way of life, they may become a useful body of yeomanry. There is now a gentleman in town who conversed with the Maroons the night before they sailed, and who assures me that they expressed themselves well satisfied with the conduct of the assembly towards them, and declared, that having conversed with some American negroes concerning the country to which they were going, they were content to go. I hope therefore we shall hear no more of the business.

Mr. *Wilberforce* said, he did not know any thing of the origin of the war with the Maroons, but he could not help observing that while the Maroons had no representatives in that House, the planters had very able ones. It was now above a century since they were under our dominion. He feared that proper care had not been taken to improve their morals and to instruct them in the principles of the Christian religion; if they had, he had no doubt that long ere this they would have cast off that savageness which was imputed to them; for brutality was the effect of igorance.

Mr. *Edwards* complained, that after he had answered a charge of breach of faith, another objection should be started against the conduct of the Jamaica planters of quite a different nature. Now they were accused of not instructing the maroons in religion, and initiating them in habits of civilised life. When objections were started upon speculative grounds, there was no end to them. Were he called upon to deliver his own private opinion upon the subject, he would perhaps disapprove of the mode that was adopted in the first instance of confining the Maroons to separate communities; but situated as they were in this respect, they spoke a language of their own, and of course, being in general unacquainted with the language of the island, they were not capable of benefiting from the common means of instruction. Their language was a mixture of the Spanish, and another language, which made it impossible to teach them the principles of religion. He thought whoever took it in hand would have hard work to make Christians of them. They were so addicted to polygamy, that it would require the utmost exertion of human ingenuity to confine them to one woman. He was contented with one woman, but he was sure no Maroon was. With regard to instructing them by sending clergymen among them, he believed such an attempt would be impossible. To his certain knowledge, the Maroons were cannibals. He was sure, if a clergyman was to be sent to them, instead of listening to his doctrines, they would eat him up.

Mr. *Fox* was extremely glad he had alluded to the late transactions with the Maroons, as it had given rise to the explanation of the hon. gentleman, and from the facts which had been adduced, he would not accuse the government of Jamaica of keeping bad faith with the Maroons, any more than he would accuse Shylock of a breach of contract; it appeared that they had adhered strictly to the letter of their engagement. From what had been said, it was evident that colonel Walpole thought either that the

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treaty was not kept, or that it was too strictly kept. He hoped therefore that they would have some farther account of the business from ministers, and that colonel Walpole's opinion would be fairly stated to the House.

The Resolutions were then agreed to.

Debate in the Commons on the Militia Augmentation Bill.] Oct. 31. The order of the day being read for taking into consideration the report of this bill, Mr. Pitt moved, That the said bill be recommitted.

Mr. *Curwen* said:—Sensible of the advantage of unanimity at this momentous crisis, nothing but the strongest sense of duty should compel me to hazard a step which might intercept it. If ministers are equally sincere in their wishes to preserve the general concurrence of opinion which has hitherto prevailed, it is incumbent upon them to give such information as may justify this House, and reconcile the nation to the burthen and inconvenience which must result from the measures now under consideration. It would have been wise and politic in them to have commenced their proceedings by laying before the House the information on which his majesty's communication of the threatened invasion is founded. Every war for the last century has had its bug-bear of invasion: the present has been abundantly prolific in idle threats and gasconade, but I have yet to learn that one step towards the execution of them has ever been taken. In what does this manifestation to invade the country differ from former ones that have been announced to us? Is it in a renewal of idle threats, or in actual preparations? If the latter, they are easily explained. To estimate the danger by what is required to guard us against it, I could scarcely rate it too highly; and yet if such really be the case, is it possible that ministers would risk the safety of the nation on a cold declaration of opinion, which has raised neither alarm nor energy in the country? If the danger be real, there can be but one sentiment; to be freed from such calamity no sacrifices are too great. What so likely to rouse the people as fully to instruct them of the magnitude of the danger? Is there any thing so likely to deter our enemies from so rash an enterprise, as knowing the ardour with which the country is prepared to meet it? Enemy as I am to the system of confidence, I am aware many occasions may occur to justify this House in granting it, upon the responsibility of ministers. But what is there upon the present occasion which entitles ministers to ask, or should induce this House to grant it? The providing for our internal security would be most effectually promoted by the public avowal of the grounds on which ministers act. Am I to consider the danger as so imminent that it would be hazardous to intrust the country with the full extent of it? Must we learn it by degrees, to prevent the effects of sudden panic and despondency? Little do they know the character of Englishmen, who argue thus. Let the danger be as great as it may, the spirit and exertion of the country will rise superior to it. If this does not produce full explanation from ministers, I shall feel warranted in supposing that invasion is only a pretence to arm them with a power for purposes, the policy of which might be much questioned both in and out of this House. Sir, I hope we shall govern ourselves by good old maxims, and use that prudent caution and distrust that were the characteristics of former parliaments, and spurn that blind system of unmeasured confidence which has plunged us into our present calamitous situation. What does this moment present, a phenomenon in politics never before seen—a minister guides the helm, who has proved himself unable to direct the power of the country with vigour or effect, whose measures have heaped upon us disasters and disgrace; a minister who has imposed burthens beyond all former ministers—whose innovations upon the constitution threaten its existence—who has nailed up the mouths of a best majority of the nation, and established triumphantly the system of barracks, in every part of the kingdom, and yet, Sir, his majesty confides, the nation is passive, and those in this House who have no confidence in him, do not wish to oppose his measures. If the danger be real, I am as disposed to grant every thing that can be fairly required; but till convinced of that, I shall think myself justified in giving my opposition to the whole plan before us.

Mr. *Pitt* said, it was far from his intention to detain the House from manifesting that disposition which they would certainly feel upon the present occasion, to act up to that solemn pledge which

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they had given on a former night, to neglect no measure to prevent or to repel the danger to which the country was exposed from the threatened invasion. He believed it was the first time when danger from an external foe was announced in the speech from the throne, that the subject had been made the matter of parliamentary detail. On the former evening the House seemed to be sensible of the impossibility of ministers communicating the proofs of the existence of the danger of which they might be in possession. Every person seemed to be satisfied with the assurance which was then given, that government was in possession of documents to warrant his majesty in making such a communication; and after the communication had been made, he did not expect its authority would have been questioned. They had been told by those in responsible situations that ministers knew enough, from intelligence to which they gave credit, to render it necessary for them to apprize the country of its danger, and to call upon it to exert its means of defence. A right hon. friend of his had stated his conviction, that from what he had heard of the actual preparations making in France, apparently for the purpose of invading this country, there was just ground of alarm. Was this the language of indifference, much less of hesitation and doubt? Every thing which had occurred from that day to this, had strengthened his apprehensions; but at present he neither felt it safe nor practicable to enter into any detail of the sources of his information. After what he knew of the preparations for putting the design into execution, he should have considered himself guilty of the highest crime against his sovereign and the country, had he neglected to call upon parliament to devise measures to avert the threatened attempt, or to turn it to the ruin and confusion of the enemy. The hon. gentleman was of opinion that an alarm was false, which nine-tenths of the nation believed to be true. He demanded evidence—but what degree of evidence would satisfy him who would not yield assent to proofs which convinced nine-tenths of the nation? The hon. gentleman was somewhat inconsistent in the censures which he passed upon ministers, and in the effects which he represented their measures as having produced. He accused them of having invaded the constitution, oppressd and ruined the country, and with the same breath he admitted that they had the unanimous support of that country which they had ruined, and of those people whom they had oppressed. He talked of the danger of taking those precautions which had been proposed to prevent an invasion; but what was this danger when compared with the danger on the other side? Mr. Pitt said, he had such a thorough conviction of the patriotic zeal and manly feeling of the House, that he would not detain them one moment longer, from giving their sanction to a measure upon which the safety of the country so much depended.

Mr. *Fox* said:—I rise, Sir, to offer a few observations upon the doctrines that have fallen from the right hon. gentleman; doctrines, which if they be true, we had better do that in words, which the present administration have been constantly doing in actions; we had better declare that the constitution of the country is good for praise and for oratorical flourish, but that it is not proper for a state of warfare; we had better say that when ministers have brought the country into peril, that peril is a sufficient ground for confidence in them, and that when they have involved us in difficulty and danger, it is the business of the people to surrender all their vigilance, to repose complete faith in them, or in other words, to suspend the constitution, and to make the government of the country an armed monarchy. We are told that it is enough for the king to acquaint us that danger exists, and for us to declare that if it exists, we will put the country in a situation to resist it; we are told, I say, that it is enough for us to pledge ourselves at once to such bills as these; bills which impose upon the people greater pecuniary burdens than any that were ever imposed for any purpose of government; this, however, we are informed we must do, or forfeit our pledge to the king.—Sir, the speech of the king, I shall always consider as the speech of the ministers. They tell us there is danger of an invasion. I may be willing for a time to suspend any inquiry into the causes that have involved us in this difficulty and disgrace. I may be willing to suspend for a time an inquiry into the conduct of those who have brought us into this danger. But must I not know what it is? Must the mere bringing us into danger be of itself a sufficient claim to confidence? For one, I am of opinion, that from external causes there is no par-

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ticular apprehension of an invasion; but still more am I of opinion, that if, under the pretence of strengthening the country, ministers are only doing as they have formerly done, strengthening themselves and their principles; if they are expressing their apprehensions of danger only to produce this effect, why then I should hesitate whether I would apply any remedy at all; but even should the danger really exist, I should hesitate much before I applied such a remedy as this. We are not, Sir, so young in the House as to imagine that, because we approve of the speech from the throne, we pledge ourselves to all the measures which the minister may think proper to adopt, or that the vote we came to upon the first day of the session, bound us to pass such bills as these. The calling upon so many men in the country, the putting them under martial law, and under officers of the crown, without those safeguards which are contained in the old militia acts, and at a time when the erection of barracks all over the country evinces the system of separating the soldiery from the people, and according to the ingenious reasoning of some gentlemen, making the soldiers deaf, if the people cannot be made dumb; Sir, the doing of these things is a grievous oppression. It is no light thing to make the people imbibe military notions and military prejudices under officers of the crown, without any of those checks and guards, which are contained in the former regulations relative to the militia. It has lately been too much the fashion to forget old prejudices and old principles. Sir, I have no difficulty, much as the term has been ridiculed, in confessing myself an alarmist. I am alarmed at the situation of the country. I believe there is a faction in it, whose wish and endeavour are to increase the power of the crown at the expense of the liberties of the people. I believed it in common, once, with those who are now converts from that belief, who think now that ministers, whose measures they formerly so much reprobated are so satiated with power, so glutted with patronage and emoluments, as to have lost all those marks and features that rendered them the objects of their former dread and detestation. I am not one of these; I am not one who thinks that the lesser evil is—and, good God! what is this lesser evil?—the fear of the liberties and rights of the people being lost in the power of the crown! With these feelings about me, can I be brought to think that raising such a force as that proposed by the bill is not a most alarming circumstance, to which nothing short of the necessity of risking every thing, could possibly reconcile me?—And now, Sir, a word or two on the bills themselves; and first, with respect to the present bill, by which men are to be raised in the different parishes. Without entering into the policy of the bill, I must contend that the general burden will be very considerable. Do I mean to contend by this that burdens ought not to be imposed in times of difficulty and peril? By no means; but if we are now to provide against an existing danger, we are not to provide against a general danger, but against a specific danger of an invasion of Great Britain by the enemy. Such is my opinion. Why then, I say, it gives me no good idea of the present ministers, when I see them always bringing forward false pretences. When I see them, under these bills, providing that the different parishes shall raise men, not for the specific purpose of resisting an invasion, but for general military purposes; when I see this, I must think that the real motive of the measure is not for domestic service, but for the purpose of carrying on offensive war abroad; and in this opinion I am a good deal influenced by what fell from a right hon. gentleman high in office (Mr. Dundas). I do not like to quote the words of any person in his absence, but, Sir, words that drop from ministers, are not in the nature of expressions from common men; they come with authority, and in an official shape. I cannot forget that right hon. gentleman's speech on a former night, when he said that the present plan was highly eligible, inasmuch as it would enable ministers to prosecute the war abroad. If this be the fact, I would advise gentlemen not to be so active in their approbation of the measure. Do not be so impatient, as the right hon. gentleman has recommended you to be in your testimonies of support. You will have opportunities enough of voting hundreds, thousands, and millions, I have no doubt, for carrying on offensive war abroad. This, therefore, is what I complain of; and I cannot help thinking the present alarm, with respect to invasion, to be one of those pretences which ministers do not believe, but which they bring forward in order to get strength for purposes which they do not choose to state.—

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The right hon. gentleman, in recurring to what fell from my hon. friend, has alluded to what he stated respecting his disbelief of the present alarm, because all former alarms propagated by ministers have been proved to be false. The right hon. gentleman contends, that that disbelief is contrary to the opinion of nine-tenths of the people. Sir, I remember when an inquiry into the existence or non-existence of any cause for alarm was demanded.* That demand was refused. Should that inquiry ever be entered into, not only will it be found, that no reason existed for any alarm, but that ministers, when they called out the militia and summoned the parliament in 1792, disbelieved the alarm themselves. Sir, that measure of calling out the militia, and summoning the parliament, will be a measure to be deplored to the latest posterity. It occasioned more rivers of blood to be shed, and more treasure to be expended, than ever were shed or expended during the reign of that despot Louis 14th. Since that period, many innocent men have been arraigned for high treason. However certain persons may be inclined to blame the want of diligence in the crown lawyers, I think no complaint will be urged against them for not bringing an ample body of evidence, and that too of a date considerably remote. Yet, though these lawyers had access to all the sources of government, though they ransacked and rummaged all the records possessed by administration, yet they never produced a single proof—I do not say to satisfy themselves—yet they never produced a single proof to satisfy the jury, that, when the tower was fortified, any of those desperate traitors entertained such projects of insurrection as those that have been alluded to. I wish gentlemen to refer to the trials, for high treason, and tell me if they find the slightest trace of that insurrection, affected to be so much dreaded in December 1792. Upon these trials, some have expressed an opinion that they are a disgrace to the country; others have said that they contribute to its honour. Strange as it may seem, I agree in both those opinions. I think that they were disgraceful——

Mr. *Yorke* here called Mr. Fox to order, as he conceived he had wandered from the question, and if such latitude of discussion were indulged in, the present question would not be decided that night.

The *Speaker* said, he conceived Mr. Fox to be perfectly in order. He opposed the re-commitment of the present bill, upon the ground that the alarm of an invasion had been raised upon false pretences; a proposition which he illustrated by recurring to the history of former alarms.

Mr. *Fox* in continuation.—I am not quite satisfied, Sir, with the manner in which I was called to order. We have not yet imbibed such a detestation of equality, as not to have some regard for impartiality, and we have not yet established the custom of deciding by a hammer or a bell at what particular hour the debate shall be closed, however it may sometimes be finished by a clamour for the question. When I was called to order, I was observing, that there was no ground for the original alarm in the year 1792. I was going to remark upon those trials, that the prosecution of innocent men was disgraceful to the country, and their acquittal honourable. How comes it that so many were acquitted? Because so many were prosecuted who ought not to have been prosecuted. Sorry I am, that I shall frequently have occasion to offend the hon. gentleman who called me to order, if recurring to past actions, in order to form my opinion of the future, be against the established rules of the House. The country, I allow, is in a situation of cruel danger, but not from any apprehension of an invasion on the part of the enemy; it is in a state of peril from which there is no way to extricate it, but by a retrospective view of the measures of ministers, and a judicial examination of their conduct.—I have stated that the three bills are doubtful measures, even supposing extraordinary measures to be necessary. In 1794, after the great arming of the country, we were told that the force then embodied was sufficient to resist any invasion that might be attempted. What is the situation of the country now? An hon. friend of mine states that it is in a state of great internal quiet. In this opinion, I perfectly agree with him, if he means that there is in the country a general love for the constitution. The people are universally well affected to the constitution, I believe; but that they are more

* Mr. Sheridan's motion relative to the existence of Seditious Practices. See Vol. 30, p. 523.

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attached to the constitution as it is now, than as it was at the commencement of the war, I cannot allow. I cannot believe that I am one of those "eighty thousand incorrigible Jacobins*" whom nothing can reconcile to the monarchy of this country. So far from thinking their number to be so formidable, I believe it would be difficult to find one of that description. But if those be incorrigible Jacobins who detest the measures of his majesty's ministers, who are of opinion that their conduct has tarnished the glory of the country, and that they have conducted pusillanimously a contest which they rashly and unjustly commenced—who think that not only an inquiry into their conduct is indispensable, but that a reform is absolutely necessary, in order to prevent the country from being cursed with such ministers as the present--if these are the incorrigible Jacobins, I am glad to hear that they amount to eighty thousand. I wish they amounted to eight millions.—The right hon. gentleman, who states that there is so much necessity for going into the committee, does not disdain, however, to give us some information. He says, that his apprehensions of the danger of an invasion are increased lately; and he said this in so emphatic a way, that I, for one, do not wish to press an opposition to the measure. If the minister really thinks that there is any danger of an invasion, I will not object to some increase of the militia force; but even in that case, I will only suspend my inquiry into the causes that have brought us into this danger. The right hon. gentleman, however, must be aware, that if an invasion is likely to be attempted in England, one system of measures will be necessary, which will not apply, if the invasion is likely to be attempted in another part. Let the minister state this, in order that the means may be adapted to the exigence. Suppose, for example, Jamaica was in danger of being invaded, you would hardly think it necessary to adopt any precaution in Great Britain; the same observation will apply to parts nearer home. If any other part of the British territories is in danger, the measures calculated to repel that danger ought to be applied to that part which is conceived to be particularly menaced. I understand the right hon. gentleman to say that there is a real danger: a miserable assertion this, by the way, for the House to proceed upon; but, however, the danger we are told is real. That such is the case, is matter of serious concern. Of the ultimate issue of any attempt at invasion, I am as sanguine as his majesty's speech expresses; but I shall be more sanguine, in proportion as I see the people less indifferent to the constitution as the minister found it, not as he has made it.—With respect to the bill in question, I shall not object to the recommitment of it; but unless it be materially altered in the committee, I cannot consent to the passing of it, because I do not think that it contains remedies adequate to the evil. One word more. The right hon. gentleman says, that a great danger threatens us. I agree with him in calling upon the people to resist an invasion on the part of France. Resist it, I say, with all your might. Be unanimous in your exertions, be vigorous in your efforts: draw your purses freely: contribute your personal labours cheerfully. But when I call upon the people to repel any attempt that may be made by France, I also call upon them not to be so alarmed at the danger as not to adopt such measures afterwards as may make the struggle beneficial to themselves. Let them not struggle against France, only to yield to the artifices of the present ministers. My advice to them is, be vigilant against the French; be vigilant also against the minister of this country, who has brought you into this situation of danger. Beware, that while you take measures to prevent your becoming a prey to the French, you do not become a prey to the minister. I say, be vigilant against domestic as well as foreign enemies: but learn to distinguish who your domestic enemies are: you have been in prosperity, you now feel adversity. Judge not by the assertions of those who have robbed you of your rights; judge not by their comments; judge not upon presumptive evidence: but judge by your own good sense. Reflect upon your

* "In England and Scotland, I compute that those of adult age, not declining in life, of tolerable leisure for such discussions, and of some means of information, more or less, and who are above menial dependance, may amount to about four hundred thousand. Of these four hundred thousand political citizens, I look upon one-fifth, or about eighty thousand, to be pure Jacobins; utterly incapable of amendment; objects of eternal vigilance; and when they break out, of legal constraint." Burke's Letters on a Regicide Peace.

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condition; consider how you were brought into it. The situation of your finances must show you that it is paradoxical indeed, if you could have been brought into it without considerable errors (to use the softest word on the part of ministers). I hope you will judge, not from the assertion of those who brought you into the calamities you now feel; but that you will attend a little to the sentiments of those who opposed them in their mad career. I hope you have not quite forgotten the calamities which the American war brought upon you, and which you would not have suffered to any thing like the extent you did, had you not given to ministers a confidence which they did not deserve. But, it seems, we who oppose ministers are not a tenth of the nation. Be it so; then ministers cannot complain that we have been any material impediment to them. This is their artifice, and I think I understand it pretty clearly. It has been always the trick of governments, whose proceedings are unjust and foolish, to say, "Our measures were wise, but they were thwarted in much of their efficacy by opposition." I hope the public will not be the dupes of that artifice any longer. I hope they will discriminate between their domestic enemies and their domestic friends, and that they will not suffer their affairs to remain in the paradoxical situation which was some time ago stated, that ministers by their misconduct may have brought the country into such a state of danger, as to require that the people should continue to give them confidence, in order to prevent public ruin. Some may think, by a strange perversion of reason, that the same causes which conducted us to the brink of ruin, may ultimately lead us to safety; that folly and wickedness will in time have the same effect as wisdom and virtue; as it has been said that some animals can counteract their venom, by the repetition of their own bite. We must look for some such fabulous remedy in our misfortunes, if we give ministers any further confidence; for it is too, much to expect a relief from maxims of truth, if such is to continue to be our system.

The Bill was then recommitted.

Mr. Abbot's Motion for a Committee to consider of Promulgating the Statutes.] Nov. 2. Mr. *Abbot* said, that in consequence of the notice he had given, he would now beg leave to call the attention of the House to a subject which he conceived to be of great public importance; the present defective state of the Promulgation of the Statutes. Sir, at the close of the last parliament, this grievance was pointed out in the report of a committee upon the temporary laws; and the notoriety of the grievance is such, that I believe I need appeal to no other proof of its existence than the experience of every man within and without these walls, whose situation in life has at any time, in any degree, engaged him in the administration of justice. The plain fact is this; that the magistrates, who are entrusted with the execution of the laws, have not any correct and speedy means of knowing the laws which they are required to enforce; and his majesty's subjects in general are exposed to the hazard of dissolving laws of which they have no direct communication whatever. With regard to the causes by which the evil exists, most certainly no present blame is personally imputable any where. The truth is, that the evil has come upon us by the change of customs which naturally belongs to a change of times; and when the older usage of proclaiming statutes by the sheriff was suspended by the introduction of printing, we can only wonder, that our ancestors did not at that æra substitute some better method of promulgation by the very means of which they had acquired the facility. But no such step was then taken; and the grievance has since grown gradually, with the annual multiplication of our statutes, to such a magnitude as demands an immediate and effectual remedy. That an adequate remedy should be given, the dignity of parliament requires and its wisdom will undoubtedly provide. At the same time, however, if an apprehension should be entertained by any gentleman, that purposes like these, in times like these, ought to be limited by considerations of economy, I believe I may venture to allege, that means will probably be found arising out of the arrangement of the business, and out of the very improvement of the present system, which may furnish an effectual distribution upon a scale of very considerable extent, even without enhancing the public expenditure in any degree whatever. What that arrangement may be, through what channels the promulgation may be best carried, and to what objects it may be best directed, I should conceive to be the

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proper province of a committee to inquire. By that committee, such data may be collected, and such observations upon the materials before them may be prepared for the use of the House, as may enable it afterwards to form a maturer judgment upon the whole question. And ultimately I cannot doubt, but that parliament will give to our laws, that which has been so long and so greatly wanting, an expeditious, extensive, and effectual publicity. He then moved, "That a committee be appointed to consider of the most effectual means of promulgating the Statutes of the realm; and to report the same, with their observations, to the House."

Mr. *Wilberforce* said, it was with great pleasure he seconded the motion. The evil alluded to was one of considerable magnitude. It was daily felt, and ought therefore to be instantly remedied. This the magistrates were ill able to do; it therefore peculiarly became that House, to institute the inquiry moved for by his learned friend. Magistrates had often been called upon to execute laws, of which they knew nothing, not even their existence. But the truth of this, was no proof of the incapacity or inattention of magistrates. It was a proof only of that growth and accumulation of evils in this case so justly complained of. If great and cultivated talents, if benevolence of nature, if superior ingenuity, could entitle the suggestions of one man more than those of another to peculiar attention, he was sure his hon. friend would be so distinguished. To form and arrange the means of promulgating the statutes of the realm, he thought his learned friend fully competent.

The motion was agreed to, and a committee appointed.

Debate in the Commons on the Cavalry Bill.] Nov. 2. The report of the Cavalry bill was brought up, and the amendments read. On the question being put, That the said amendments be now read a second time,

General *Tarleton* observed, that as he conceived the country to be arrived at the most critical period of its history, and perhaps of its existence as a free country, as there did not appear to be more than one step to intervene, before we descended from liberty to slavery, he should enter his solemn protest against the system of measures then under consideration. When a menaced invasion was loosely intimated to the House—when large quotas of money or personal service were called for—when a considerable addition was to be made to the army—he thought it the duty of members to resort to the practice of their ancestors in similar situations. In recurring to former periods, he thought it unnecessary to dwell upon the circumstances of the year 1688, as there was no analogy between that and the present case. On that occasion a protestant prince was invited by a large party to pass over to these kingdoms, to dethrone a bigotted and tyrannical king, who wished and attempted to overthrow the liberties of the subject both in church and state. He should therefore pass over the reigns of William and Mary and queen Anne, and proceed to the period when the illustrious house of Brunswick mounted the throne of England. Soon after the accession of George 1st, when Great Britain enjoyed profound peace with foreign powers, but when a strong jacobite party existed in this country; when a pretender to the throne likewise existed, and insurrections had commenced in these kingdoms; his majesty informed his parliament on the 20th of July, 1715, "that rebellion was actually begun at home, and an invasion threatened from abroad."* Addresses were directed to the king, the guards were encamped in Hyde Park, arrangements were made for the defence of the coasts—and orders were given for raising 13 regiments of dragoons and eight of infantry. The whole military force of the kingdom at this period, the new levy included, could not be estimated at 40,000 men. The death of that despot Louis 14th, which happened at this period, contributed not a little to defeat the enterprise of the Pretender. Again we find, in 1718, his Catholic majesty warmly espoused the cause of the Pretender, and an expedition was fitted out in Spain: the command of the fleet and army was entrusted to the duke of Ormond, who sailed from Cadiz, and proceeded as far as cape Finisterre, where his fleet was dispersed by a storm. His majesty communicated to both Houses the frequent advices he had received; they desired him to augment his forces, which were small, and they would make good the expense. The next demonstration of invasion took place in 1744. Early in that year it was known

* See Vol. 7, p. 111.

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in England that a body of French troops had moved for that purpose to the coast most contiguous to England, under the orders of count Saxe. On the 15th of February, George 2nd sent a message to both Houses, intimating the arrival of the Pretender's son in France; the preparations at Dunkirk, and the appearance of a French fleet in the channel.* On this occasion, the situation of the country was truly alarming. In a time of profound peace, when the military force in the kingdom was comparatively very small, the French admiral, supposing himself superior at sea, sailed from Brest up the channel, and anchored off Dungeness, in order to co-operate with the military force distributed along the coast of France. But sir John Norris with the English fleet made him precipitately retire from the coast of England; and history says, "that the coast was so well guarded, that the enterprise could not be prosecuted with any probability of success." Even in 1745 invasion would not have been attempted, if an important dispatch from the Pretender's party in this kingdom had not miscarried; for in that instrument they laid it down as a principle not to be deviated from, that it was necessary a large French army should land in this country, before his adherents should arm or assemble. The consequences of that enterprise need not be detailed, therefore he should direct the attention of the House to the menaces and demonstration of invasion held out in 1756. The threats of the French court, and the movements of their troops towards the coast, were productive of war. No embarkation however took place.—In 1759, George 2nd sent messages to the two Houses signifying that he had received advices of preparations making by the French court for the invasion of England. The militia was ordered out. But the administration of that day wisely placed their chief dependance on the navy; for they neither drew any of the troops from Germany, nor counteracted the expedition to America—and a grateful posterity surveys with thankful admiration, the battle of Minden and the fall of Quebec. The British navy under the conduct of the gallant Hawke seconded the wise dispositions of the administration, and a severe blow given to the French fleet off their own coast, produced a glorious termination of the threatened invasion. With respect to the demonstration made in the channel by the combined fleets of France and Spain, in 1779, it was unnecessary to trouble the House: one observation he should only make, which was, that the executive power had done well in placing our naval arsenals at Portsmouth and Plymouth in a situation of defence, which raised them above any alarm from a *coup de main*. Of all the menaced invasions, therefore, that of 1744 seems to have been the most formidable. Let the House look to the situation of the country in 1796. At present there were 100,000 men in arms, and a navy equal to that of any period in the annals of our history. We were in a state of active preparation, and we had the authority of the right hon. gentleman himself that two of the enemy's principal armies were annihilated. With regard to invasion, there were three points on the coast of France from which a descent might be attempted. From Dunkirk to Brest there was no advantage for collecting troops, and the coast was unfavourable. From Brest to the Western coasts the situation was advantageous for an attempt upon Ireland, or against our possessions in the West Indies, but was not calculated for an invasion upon England. From Dunkirk to the Texel there was great convenience for the collecting and embarking of troops, especially since Holland had become the ally of France; but we had seen that instead of pouring troops into this quarter, the troops in Holland, formerly under Bournonville, had been detached to reinforce their different armies. In a former debate upon this subject, it was said that a part of his majesty's European dominions was threatened. At first he had supposed that Corsica was meant, but when he saw in the public papers that war had been declared against us by Spain, that the king of Naples had made peace with France, and that Corsica was abandoned, he concluded that Ireland must be meant, and that the false alarm here was intended to conceal the real alarm there. It would be found better policy, however, to restore to them their rights, and by an equal distribution of the blessings of the constitution to restore to the people confidence in the government. Before any addition was made to the forces of the country, parliament ought to consider the necessity, and to calculate the expense.

* See Vol. 13, p. 642.

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Mr. *Fox* said:—My utter disapprobation of this bill has been already expressed. I thought it upon the first view, a bill which hardly any alteration could have made useful. I think it even now, although much labour has been bestowed upon it in the committee, a bill highly inexpedient, extremely difficult to be put into execution; and tending to create great expense, without affording the hope of raising a force that will be available to us should the hour of need arrive. What sort of cavalry will this bill provide? Are they to be trained? I believe there is no provision that will be effectual in that respect. Taking the subject in that view, I would rather trust to the energy of the people in the hour of danger, than raise so inefficient a force as I conceive this will be. Should the hour of real danger arrive, you will, without this law, have much more effectual force to defend you than you can ever hope to have by the enactment of it; for in case of actual necessity you may rely on the courage, the zeal, and the ardour of the mass of the people of this country. But, by the present measure, you will not have any force that will in any considerable degree be available to the public. An invasion, if made, must be made either for diversion in one place, to conceal intentions of attacking seriously in another, or seriously for the purpose of throwing this country into confusion. Neither of which purposes can be forwarded or delayed by such a bill as this. I see before me, a choice of two things; either to adopt that which will produce great confusion and perplexity without providing security for the danger, or to rely on that which, I have no doubt, will repel the danger without previous inconvenience or expense. I therefore cannot hesitate to declare, that rather than adopt a bill which to its declared object is inadequate—I would rely on the courage and magnanimity of the people when the danger shall arrive. I have at different periods of my life formed different opinions from different circumstances, as to the danger of an invasion of this country. In 1779, there were few persons more apprehensive than myself of the probability of that event: In 1796, few indeed less apprehensive of that danger. If the moment should arrive, which God avert! when France should become superior in naval force to this country, so as to be able to command the channel, then, indeed, a man of the strongest mind and nerves may be apprehensive of an invasion. If the French should obtain a footing in this island, and have from thence a communication with the continent, then indeed, we should be in danger: even then, I trust, they could not dismay us. But while we are superior at sea, I will not say an invasion is wholly impracticable; although I confess I see but little danger of it, should the enemy choose to risk it. They may, by taking advantage of the direction in which the wind may blow, land considerable forces in this island; but I consider them as not likely to make such a rash attempt, for they must look upon the whole of an army dispatched upon such an expedition, as a force to be entirely sacrificed. Under such circumstances certainly they would never return; and therefore, I think, that under such circumstances they will never be sent. I say, therefore, that an invasion of this country by the French is not a probable event. I am not one of those who wish them to land merely for the purpose of their meeting, what I am sure they would meet, total destruction. I do not wish the valour of the people of England to be shown upon such an occasion. An invasion, whatever its event, must always be regarded as a serious evil; but great as such an evil would be to Great Britain at this moment, were I compelled to take my choice between that evil, and a continuance of the present war for two years, I would, as the friend of the real interests of this country, prefer an invasion as the lesser calamity of the two. I say this of a real invasion; but if there is no probability of that event, look at the situation into which this country may be brought, by acting as if every threat of invasion was to be followed up by its reality. You will expend millions after millions, in preparing against threats which were never intended to be executed; and should your enemy discover this to be your disposition, they may complete your ruin without any loss or danger to themselves. I would therefore advise you to make a judicious disposal of the force which you possess already; which would be much more likely to be beneficial than any thing which this bill can produce. I am laying it down as a thing not disputed, that an invasion would call forth all the energy, all the zeal, and all the real power of the nation, and therefore it is that I do not fear the danger of invasion.

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I may be told, that "true it is, an invasion would have that effect; but of what avail would be all our energy and all our zeal, if a great number had not arms in their hands?" I do not mean to contend that zeal alone can defend a nation; but the zeal of men, even without arms, is a very formidable thing. Should this be doubted, I would refer to those who invaded France in an early period of the present war. I would refer to those who took part against America. I would then ask, whether there is not much correctness in the doctrine which attributes great strength to zeal. I confess, therefore, that as I see no probability of invasion, I see no utility whatever in the present measure. It has however been said, it is not for Great Britain only we ought to be anxious. Those who have attended to what I have had occasion to urge on these topics, will remember that I always studiously confined myself to Great Britain because I wanted to know whether any part of this force was intended to enable ministers to carry on operations in other parts of his majesty's dominions. I understand that ministers have some apprehensions with regard to Ireland. If so; if they believe the enemy have serious intentions to invade that part of his majesty's possessions, I should be as ready as any man to assent to any measure tending to prevent such a calamity. We are not to determine which of the two islands they mean to attack. One of them is as serious an object to be defended as the other; and therefore, I, for one, have brought my mind to assent to any thing which may be beneficial in that respect. I cannot, however, help wishing we had a little more authentic information of the danger than we actually have. But I will own that from the words I heard uttered by the minister the night before last, from the whole tenor of his speech, and from the manner he adopted (for the manner of a speaker upon important occasions constitutes part of his speech) I am more convinced, than I once was, that he has some apprehensions of an invasion. When he expressed some apprehension of danger to Great Britain, I thought very lightly of it, but when under the title of his majesty's other European possessions, he alluded to Ireland I had no difficulty in believing the reality of his alarm. That ministers should be alarmed at the state of Ireland cannot be wonderful; but here I cannot help saying to them, "If you are seriously alarmed at the state of Ireland, if you are desirous of preventing distraction there, if you are disposed to restore to it confidence and harmony; give to your ministers there instructions similar to those under which lord Fitzwilliam lent his assistance to your councils: renounce the principles and practices that occasioned his recall: remove those odious marks of distinction, which disgrace the policy of your government in that country: allow the catholics to possess their just rights: let it not be a matter in which the policy of your government should interfere, in what way a man shall proceed to church, or exercise his devotions: if you are indeed, seriously disposed to wish Irishmen to be contented, give them a constitution; do not insult them with a contemptible monopoly, under the name of a parliament: do not provoke their indignation, with an image which is but the mockery of the parliament of Great Britain. If you are indeed in earnest, in wishing to appease the anger of the inhabitants of Ireland, the remedy is, I think, before you; for I hope it is not yet too late. It is not the question here, how you conducted yourselves with regard to lord Fitzwilliam; but should you ask me, whether I had rather the principles on which he consented to aid your counsels were restored to Ireland, and whether I should think them more effectual to restore tranquillity there than 20,000 men from Great Britain, I should have no difficulty in giving you an answer. Can I have a doubt upon the subject? Can I have a doubt that, if Irishmen were treated as they ought to be, an invasion in Ireland would be attended with the same destruction to the invaders, as it would in England?" I could wish that those who recalled lord Fitzwilliam attended to these observations. I could wish that those who seem desirous to put the laborious classes of men in that country, in a scale as it were with cattle, reflected on the danger into which they are plunging that island. I could wish that the mass of the people of Ireland should be treated like men, not like oxen and sheep. When I reflect, however, that ministers have not retracted their nefarious principles: when I perceive they have not begun to re-tread their steps; I own I am inclined to draw this inference; that whatever I may know of that country, they know also, and a great deal more, and yet have

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taken no measures to change the condition of the people of Ireland. They have no serious apprehensions of an invasion of that country; else, how is it possible to account, not only for their obstinate perseverance in their political sentiments, but also for their leaving the country in its present defenceless state? They know, and ought to feel the danger. I have proposed to them the only remedy which strikes at the root of the danger. By the conduct I have advised, I believe they would unite the people of that country. But I may be told, that this is but idle railing: that there is no reason to complain of the form of government in Ireland. That in Ireland they have their House of Lords—by the way, there are some who think the House of Lords even of Great Britain has been too much enlarged. If any man has a mind to defend the House of Lords of Great Britain, and to insist upon its purity, I would advise him to compare it with the House of Lords of Ireland; for then I am sure he will have a complete defence. There are many, and I confess I am of the number, who think that we are not in this House so adequately the representatives of the people as we ought to be; but if a man is disposed to defend us, to maintain that we are the Commons of Great Britain in their purity, I cannot recommend to him a better plan of defence, than to refer to the House of Commons of Ireland; for, certainly, if satisfaction can be derived from comparison, we are almost perfect. I know that Great Britain and Ireland have the same government upon paper; but it is not upon paper that men are to look for security to their freedom; that depends upon a practical reality. I may, perhaps, hereafter enter more in detail into the subject of the constitution of Ireland; I only wish now to make a few allusions to it, and I cannot do it more aptly, I think, than by comparing it with that of the constitution of Great Britain. I remember a story which, with permission, I will relate shortly. A gentleman was enamoured of a lady whom he thought extremely beautiful, but with whose beauty others were not so enraptured. Some of them ventured to insinuate that they saw defects in her. He wondered at the deficiency of their taste; for he could perceive in her nothing but the most perfect beauty. But when he saw her sister, who was something like her, although not so handsome, he immediately exclaimed, "now that I have seen her caricature, I am enabled to form some idea of her own defects." In like manner, I desire lovers (although to lovers advice is seldom useful) to consider the constitution of Great Britain and of Ireland like these two ladies. Let those who do not see defects in Great Britain, look at her sister, and then will they see what the carpers at the beauty have often endeavoured to expose. I know it has, ever since 1782, been considered imprudent to say any thing of the constitution of Ireland. I never subscribed to that doctrine; but to subscribe to it at the moment when we are voting such large armaments, for the purpose of defending Ireland against an invasion, would be the extreme of folly and wickedness. In the last speech of the lord lieutenant of the sister kingdom, there is not expressed the same apprehension of an invasion as was communicated to us from the throne. The king tells us "It cannot be doubted what would be the issue of such an enterprise, &c." Why not doubt it? Partly from the strength of our navy. But also because, notwithstanding what we have heard of plots and conspiracies, and Jacobins, the opinion of his majesty is (and it is mine also), that if there be any real enemies to our constitution, they are too contemptible in number and in power to be noticed. Why are we not quite so well satisfied with regard to Ireland? Because we know the Irish have not the same constitution in substance as we have. If they had, what could lead us to think more meanly of our brethren than of ourselves? Are they not equal to us in zeal? Are they not equal to us in courage? Are they not as able and as willing to repel invasion? Have they not given instances of all those noble qualities which we prize so highly in ourselves? If, therefore, there can be any distrust of their attachment to government, it must be owing to the practical difference between their constitution and ours. If there be that difference, I have shown the cause of it, and have hinted at the remedy. I trust that remedy will be applied ere it be too late: and believe it is not yet too late. All I can say is, that I shall have the consolation of having done my duty. If ministers neglect theirs, the public will judge who are the authors of the evil, if, unhappily it should overwhelm us.

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Mr. *Ryder* said, he little expected to have heard when the country was in such a crisis, the inflammatory language which the right hon. gentleman had made use of in the course of his speech. He little expected he would have held out such encouraging motives to the enemy, when they were meditating an invasion of the sister kingdom. He little expected to have heard from him, that the subjects of that kingdom were of no more consideration in the eyes of government than the oxen and sheep which they possessed, and that such radical reforms were necessary, just after those most loudly called for had been granted. In short, he little expected to have heard from a member of the British House of Commons, a speech which might serve as a manifesto for a French general after having invaded Ireland. From the speech of the right hon. gentleman, compared with his speeches on former evenings, he however deduced one inference; that the opponents of ministers often made use of arguments, founded upon extreme cases, for the sake of making a temporary impression, which they afterwards thought fit to abandon. When the alarm of invasion was first communicated to parliament, information was demanded respecting the grounds of alarm; it was afterwards confessed that it was impossible to expect any detailed information upon the subject; and now, when measures were proposed to avert the threatened calamity, these measures were arraigned as having a tendency to destroy the liberties of the people, and to subvert the constitution. An hon. general had had recourse to history, and he had no objection to meet him on this ground. In 1745, when there was a rumour of some French troops having landed in Scotland, the king, in a message to parliament, informed them that he had ordered 6,000 Hessians to be brought into the kingdom, and parliament thanked his majesty for the step which he had taken.* In 1756, his majesty, merely upon some advices which he had received from persons upon whom he could rely, that preparations were making for an invasion, notified to parliament, that he had made a requisition of Hessian troops, and then, though parties ran high, no question was asked respecting the authority of the information. Nay more, the then secretary of state, whose memory had every claim upon the respect of the right hon. member, in six days after, brought down a message from his majesty signifying his intention of introducing twelve Hanoverian battalions into the kingdom, a step which was then approved, though much more inconsistent with the principles of the constitution than the measures now proposed.* He could not perceive how the present armament could operate to the subversion of the constitution: on the contrary, if there was a plot formed against the liberties of the country, as was alleged, to arm the people seemed the most likely mode of counteracting it. They were only to be called out for a few days, a period in which they could not be supposed to contract the habits of soldiers, or to be inured to military discipline; and the expense was inconsiderable, when compared with the advantages which would probably result from the measure.

Mr. *Wilberforce* said, he had never felt more surprise and regret than in hearing the speech of Mr. Fox. He had often witnessed bitter contentions in that House, but he had flattered himself that it would now be the boast and glory of the country, at a time when it was reduced to a situation of danger, that all party altercation had ceased, and that every member had but one heart and one mind respecting the measures proper to be adopted for opposing the common foe. At this season of danger, a danger of which the gentlemen opposite were themselves sensible, their object seemed to be to cripple the exertions of the executive power. On the present night in particular he much deplored the exercise which the right hon. gentleman had made of his talents in delivering a speech, which, if there was any danger before, rendered it still more imminent and pressing; for if its contents went abroad, there was no calculating the bad effects which it might produce. He did not impute to the right hon. gentleman, nor to his friends, any wish for an invasion; neither could he compliment them upon their principles. On the contrary, he

* See Vol. 13, p. 1393.

* It was carried, upon a division, by 259 against 92. Mr. Pitt (afterwards earl of Chatham), declared his disapprobation of the measure. The natural force of the nation, he said, was sufficient to repel any attack of the enemy; and that state alone was a sovereign state, "qui suis stat viribus, non alieno pendet arbitrio." See Vol. 15, p. 702.

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believed they would not be displeased at any small mischief befalling the country, if they could take advantage of it to get ministers turned out of office. For to what did their arguments go? Had they not stated their continuance in power as the greatest possible calamity to which the country could be subjected? Had they not stated the constitution to be ruined by their measures? ruined almost as often as there had been bills passed for defending it? When men were in the practice of indulging in such arguments, there was no saying where they would end. He would speak out, and give his opinion fairly. That the measures now proposed would be attended with considerable expense he believed. But he believed also, that that was inconsiderable when compared with the advantages with which their execution would be attended, and that the nation would be willing to come forward in a body, and cheerfully subscribe to them as the means of securing every thing that was valuable and dear to them. He loved the constitution, but he confessed he should love it less if it wanted that energy in times of difficulty and danger that it now possessed. When the right hon. gentleman, therefore, attacked the executive government at such a period, he tended to weaken its energy, and, by diminishing its strength, to alienate the affections of the people from the source of their protection, and the spring of their exertions. He had felt himself impelled by an invincible impression, to make these few remarks.

Mr. *Sheridan*, with great warmth, said:—Sir, the hon. gentleman has concluded the most extraordinary and unprovoked libel I ever heard in this House, by protesting that he had felt himself invincibly called upon to utter every word that he had said. Whence or of what nature, whether political or fanatical, are the calls which so invincibly govern that hon. gentleman's conduct I neither regard nor inquire; but of this I am sure, that no part of his speech, no part of his fury, no part of his pathos, no part of his invective, was called for by any one passage or sentiment in the speech of my right hon. friend. He says he has heard my right hon. friend's speech with surprise and regret. Sir, I have heard his with regret, but no surprise. I must regret at this crisis, when we hear so much of the necessity of temper, moderation, and a spirit of unanimity, to find that there are men on whom all those qualities, when evinced by their opponents, are lost and thrown away. I must regret to find that there are such men and such tempers: that with them forbearance breeds irritation, candour is repaid by cant, and moderation encourages insult. I appeal to the House whether or not the hon. gentleman's speech justifies this observation. I appeal to them whether any part of my right hon. friend's speech justifies the manner in which it has been attacked. Mark the malice and the bitterness of the hon. gentleman's insinuations. He is graciously pleased to admit that he does not believe that we wish this country to be actually conquered by France. As one of the party to whom he addressed himself, I bow with all possible gratitude for this instance of his candour: but, says he, their avowed hatred of the present administration is such, that I believe they would not be displeased with that sort of invasion that might throw a degree of disgrace on the present ministers. Good God, Sir, what motives does he assign us, and what object does he allot us! In contradiction to all our professions, in contradiction to all our actions, he boldly presumes that we are a set of selfish, temporizing traitors, who without meaning to destroy would wish the safety of the country to be endangered for the gratification of disgracing the present ministers; of bringing, a degree of disgrace upon them. Upon whom? Upon ministers, begrimed and black with infamy and disgrace already? We, it seems, wish an attack on our country, for the purpose of bringing a degree of disgrace on those men, as if it were possible to aggravate the shame and indignity of the situation which they have brought on themselves. On the question of the defence of the country, we have abstained from reproaching them, and they repay us with insult. I, for one, expect no credit from the partisans of these ministers, for the line we have pursued since the first serious intimation of the danger of an invasion; but, desirous as we have shown ourselves, however distrustful of the minister to strengthen the executive government in case of emergency, let them not mistake our present forbearance, let them not misconstrue it as the slightest indication of a departure from a solemn resolution, to look to a day of national justice as the only hope of national salvation.

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Our intermediate moderation they may treat as they please; but it is trying our patience high to hear those ministers or their advocates arraigning us as factious traitors, if we dare to utter a sentiment that may bring a degree of disgrace on their characters. It is too much, Sir, that we should be insultingly accused of a crafty plot to disgrace men, whose want of vigour in every enterprise, and whose want of faith in every engagement, have made their administration at this moment the hope of their enemies, and the fear of their allies. It is too much that such men should arrogantly hold their heads up in this House, where I view them only as arraigned culprits, whose trial is put off. That they should presume that we are as insensible to the injuries they have inflicted, as their own hardened hearts are insensible of remorse; that they should come here with frontless inhumanity, confessing, and boasting even, that, now at last, they have expended blood and treasure sufficient to sooth their pride and palliate the concession of their adopting the advice of my right hon. friend, which, if originally adopted, would have saved every one of those lives, and every guinea of that treasure. It is too much to see such men, covered equally with crime and shame, besmeared at once with blood and mire, erect their crests, and boldly demand support from the country, because they have endangered it, and attempt to proscribe as factious traitors, those who have fruitlessly endeavoured to save it. But, Sir, the hon. gentleman has accounted for the animated, I will not call it the rancorous, manner in which he has spoken, by asserting that my right hon. friend's speech displayed, at a time when moderation is so desirable, the greatest degree of party animosity. On this charge I confidently appeal to all who sit near the hon. gentleman. A speech of more temperate counsel, both in matter and manner, was never heard in this House. Where was the party animosity? Yet let me retract: I guess the animosity which the hon. gentleman attributes to such counsel. My right hon. friend's advice was, to change the whole system of the Irish government; to govern there as he would govern here, on the principles of equal justice, truth, and plain-dealing. This is the counsel given by my right hon. friend: this is the aggression of his speech. The hon. gentleman is right to resent it as a friend to the present minister. He is right in considering any advice that tends to take him from the profitable path in which he has trod, as the insidious counsel of party animosity. In corruption he has walked; in corruption he has thriven. However calamitous his course to his country and the people, nothing can have been more profitable to himself and his connections. The advice, therefore, that would tempt such a minister to wish a trial in the straight paths of truth and honour, may, for aught I know, be plausibly imputed to party animosity. This is the only ground on which I can account for what would otherwise appear a spurt of malice without a meaning.—Mr. Sheridan said, he agreed in every observation and sentiment uttered by Mr. Fox on the subject of invasion, and keenly ridiculed Mr. Ryder's accusation of Mr. Fox for using inflammatory arguments with respect to Ireland, while he at the same time pleaded the danger of answering them. The best way of preventing a French general from putting inflammatory topics in his manifesto, would be to remove all cause of discontent. It could not be denied that those inflammatory topics, as they were called, were true; it would have been better to have shown Mr. Fox's assertions to be false than to have traduced him for making them. Mr. Sheridan warned the minister of the dangerous conclusion, that there was no discontent where was no clamour. There were those who felt and were silent, and those who felt so were most to be feared. As to the bill, if meant as a measure of force, he considered it weak and inefficient; if as a measure of revenue, partial and oppressive.

The question being put, "That the said amendments be now read a second time," the House divided:

Tellers.

YEAS	The Lord Hawkesbury Mr. Charles York	140
NOES	General Tarleton Mr. Sturt	30

Debate on the Budget.] Dec. 7. The House having resolved itself into a Committee of Ways and Means,

Mr. *Pitt* said:—Before I proceed to open to the committee a view of the general resources of the country, by which we may be enabled to provide for the necessary service of the year, and to show them, that however great the demand may be, we are fully equal to the

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emergency, and prepared to meet it, it is my duty to state the amount of the Supply, as it has been already voted, and that may be yet necessary to vote, for the service.

SUPPLY FOR THE YEAR 1797.

	£.	£.
NAVY.—The vote for the ordinary of the navy was for 120,000 seamen and marines.	6,240,000	
To which add the extraordinaries	1,420,000	
Making together	7,660,000	
But, that I may not leave any part of the service short, I will take for the navy the farther sum of	2,500,000	
Making the service of the navy, for 1797, amount to		10,160,000
ARMY.—The sum already voted for the army is	6,613,000	
The extraordinaries as far as they can be made up with accuracy	4,300,000	
Total of the army		10,913,000
Ordnance		1,623,000
Miscellaneous Services		378,000
Deficiency of land and malt		350,000
Sum for the diminution of the national debt		200,000
The surplus of grants in the year 1796, which ought to have come in aid of the service, amounting to 420,000*l.* enables me to take the deficiency of the taxes at so much less. I shall only take the deficiency of taxes at		1,023,000
A vote of credit		3,000,000
Total of Supply		27,647,000

WAYS AND MEANS.

Land and Malt	2,750,000
The growing produce of the consolidated fund	1,075,000
Surplus of grants not applied in the year 1796	420,000
Profit on the lottery	200,000
The loan	18,000,000
Exchequer bills	5,500,000
Total of Ways and Means	27,945,000

So that there is an excess of ways and means over the supply of 298,000*l.* In the first place, I shall shortly state the terms of the loan. The committee will see that it was made at an interest of only 5*l.* 12*s.* 6*d.* per cent. and I should not think myself justifiable if I were to provide a less sum for the whole as a permanent annuity. It is also my intention to add the usual sum of 1 per cent to the sinking fund, as if the loan was not to be paid off. In this view, taking the interest at 5*l.* 12*s.* 6*d.*, and adding 1 per cent on account of the sinking fund, the total interest on 18,000,000*l.*, at 6*l.* 15*s.* per cent, will be 1,215,000*l.* I have proposed that we shall look to an issue of exchequer bills to the amount of 5,500,000*l.* as a fair and practicable means for the service of the year; and I do this because I am convinced that so many may be circulated both with economy and advantage. Other species of floating debt have been found to be extremely inconvenient and injurious, from the enormity of the discount to which they fell on account of the length of period they had to run. But exchequer bills are not subject to the same objection; though I should not think it wise to issue them even for the period of a twelvemonth. I think that it is an available means for the public until the instalments of the loan shall be made, to issue exchequer bills at short periods, say, at three months, which, bearing an interest of a fraction above 5 per cent, will be certain of never falling to a discount, because they will be receivable in payment of the instalments of the loan. I am confident that no inconvenience will be suffered from keeping afloat this amount of exchequer bills, but that, on the contrary, it will be attended with advantage and accommodation to the public. If, at the end of the year, it should be found adviseable to take them out of circulation, there will be no difficulty. I propose to provide interest at 5 per cent on the amount of these exchequer bills, which will be 275,000*l.*—The total excess of the navy debt beyond the estimate of 1796, is 8,250,000*l.* Of this sum there was provided for 4,000,000*l.* There remains therefore to be provided, interest for 4,250,000*l.* The committee will recollect that one of the taxes of the last session was found to be so complicated, that it was expedient to give it up. I mean the tax on collateral succession. It was taken for 140,000*l.*, and not having provided another tax in its room, it is now my duty to make up for that deficiency. The total of the annuity to be raised by new burthens on the people for these distinct heads therefore is 2,222,000*l.* But from this I have to deduct the sum

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which the East India Company have engaged to pay, namely, interest on 2,000,000*l.* of the above loan for four years. I have to deduct therefore 112,000*l.* Making the sum to be raised by annual taxes 2,110,000*l.*

My next duty is to enumerate the taxes by which it is proposed to defray the heavy burthen which it becomes necessary to impose, in order to meet the exigency of our situation. This is a painful, but at the same time indispensable part of my duty. Every additional burthen which it is necessary to impose upon the country is a new subject of regret. But at the same time it is with peculiar satisfaction I reflect, that the period at which I am now speaking is pregnant with a thousand circumstances which at once proclaim the inexhaustible resources, and the unconquered spirit of the British nation. If we have seen the revenue of this country, even under circumstances the most unfavourable, so rapidly accumulated and drawn from such various channels, we may surely look with confidence to the capability of the country to bear those farther burthens which will be required in the present moment. The most equitable principle of taxation will be to render the objects as diffuse as possible; and with this view I propose to select a few of the different branches of the existing revenue which seem best calculated for the purpose. The first branch of the revenue which I mean to propose to your attention has appeared to me particularly eligible as a source of supply on the present occasion. I allude to the excise. The taxes drawn from this quarter have, in every instance, been so successful as to give us confidence with respect to any new experiment which we may be induced to make. The first object which I mean to suggest is the article of tea. Notwithstanding the additional duty lately imposed on this article, the sales of last year at the India House have considerably exceeded those of any former year. This circumstance points out the propriety of a small additional tax. From the extensive consumption of the article, this tax can only be felt in a trifling degree by any individual. I mean to exempt from the operation of it, the whole of that coarser sort of tea, which is the common beverage of the poorer classes, and which at the India sales, does not exceed 2*s.* per pound. This additional tax I propose to rate at 10 per cent on the value of the article. I am aware that at former periods it has been found expedient to adopt measures of an entirely different tendency, which at the time were highly beneficial. But, though we owe the benefit of the suppression of illicit trade to the low price to which tea was reduced by former proceedings of the legislature, it by no means follows that it is still necessary to continue the same policy. There is not the same danger to be apprehended from the attempts of smugglers after their capital has been withdrawn, their habits broken, and such regulations adopted, as must operate as an effectual bar to their future practices. Taking the additional duty on tea at the rate of 10 per cent on the average of the sales of three years, it will amount to 240,000*l.* An additional duty on sales by auction of 2½*d.* in the pound on sales of estates, and 3*d.* on all sales of furniture, goods, and merchandise, will produce 40,000*l.* An additional duty of 1*s.* per 1,000 on all bricks made in Great Britain, I estimate at 36,000*l.* There is another article which suggests nearly the same considerations as the additional duty on tea. One considerable duty has already been gained on this article, and the consumption is so pernicious, that with respect to this article no man can wish that there should be any limits to the duty, so far as is consistent with the means of safely collecting it. So long as the consumption continues to a considerable extent, an addition to the duty must be highly eligible in every view of policy and morals. I propose to raise the duty on spirits in the same proportion as before, viz. 1*d.* on every gallon of wash, amounting to 5*d.* on every gallon of British spirits. The duty on foreign spirits will be advanced in the same proportion. The total amount on British and foreign spirits I estimate at 210,000*l.* On the stills in Scotland, I propose to lay triple the present duty of 18*l.* on the licence. The sum arising from this I estimate at 300,000*l.* The next tax I mention with regret, because it will fall in some degree on the lower classes of the people. I mean an additional tax of 2*s.* 6*d.* on every hundred weight of sugar. This I calculate will amount to 280,000*l.* On brimstone, bar iron, oil of olives, staves, I propose to lay an addition of 10 per cent. amounting to 43,000*l.*, and on all other customs, wines, coals, and prize goods excepted, a new duty of 5 per cent.

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amounting to 110,000*l*. The whole of these duties from the customs will amount to 466,000*l*. On houses I propose to levy a tax in proportion to the other assessed taxes. The number of servants, for instance, kept in a house, will in general correspond with the style of living and fortunes of the inhabitants. The sum arising from a tax levied in this way, I calculate will amount to 150,000*l*., and this with an addition to the assessed taxes, I take at 290,000*l*. From the increased facility with which letters are transmitted to a distance, and the great convenience afforded to correspondence in consequence of recent improvements, something may fairly be added to the present rate of postage. I am of opinion that it will be a more equitable mode to charge by miles than by stages. I also propose to adopt a new regulation with respect to gradations, and with respect to the bye and cross roads. These regulations, with an additional penny to be paid on each letter, will amount to about 250,000*l*. An additional duty on stage coaches will produce 60,000*l*. The conveyance of parcels by stage coaches and other vehicles, I propose to subject to a small stamp duty on booking them, which will afford additional security to the conveyance, and I estimate will produce 60,000*l*. On the conveyance by inland navigation, I propose to make a small addition to the tolls already charged, which I calculate will produce 120,000*l*. Total amount of new taxes 2,138,000*l*. Amount of the annuity to be raised 2,110,000*l*. Making an excess of taxes of 28,000*l*.

Such are the sources from which I propose to draw the necessary sums to provide for the interest of the enormous expense of the year. In looking at the resources of the country, we have a right to have confidence in the full production of these duties. The permanent revenue for the year, ending 10th October 1796, amounted to 14,012,000*l*. The average produce of those duties for the last three years, was 13,855,000*l*. On the side of supply, I have taken but three millions to meet the farther extraordinaries for the year 1797, though the extraordinaries for the last year amounted to a much larger sum. Many articles of charge in 1796 will not recur in 1797, and several sums advanced are likely to be repaid.

Another expense of a particular nature has been incurred in the interval of parliament. I allude to the assistance granted to the Emperor, in order to enable him to carry on his military operations. I am persuaded no man will be of opinion that we ought to have withheld from a brave and faithful ally, the assistance necessary to preserve his independence. That assistance ministers thought proper to grant, not ignorant of the responsibility which they thereby incurred, not forgetting their own duty, nor fearful of the event. They reflected, that in the critical situation of the country it might have been matter of extreme delicacy to have brought forward a public discussion on the propriety of advancing a sum to a foreign court; they were aware of the alarm which might have been excited by any proposition to send a quantity of specie out of the country. It is well known, that a generally received opinion of the mischief which may be attendant on a measure is often productive of the reality. The consequence of discussion might have been to have suggested the grant of a sum too small for the wants of our ally, or too large for the means of the country. On that account ministers declined taking the opinion of parliament. They did not so far yield to their desire of aiding the Emperor, as to step beyond the bounds of prudence, nor did they so tamely shrink from their own responsibility, as to withhold that assistance which they deemed to be essentially important. A sum of about 1,200,000*l*. has been allotted to his imperial majesty. A future opportunity will be afforded for the discussion of this particular topic. I am convinced that to have withheld the assistance which has been granted would have been to have sacrificed the best hope of this country for bringing the contest to a fortunate issue. It is my intention, if this conduct is found to merit your approbation, humbly and earnestly to claim and solicit your confidence in continuing the same system. I cannot, for the reasons I have already mentioned, propose any specific sum to be granted to his imperial majesty. But, if you think proper to repose in ministers the same confidence in granting such occasional aid as they may see to be necessary, it shall, on their part, be exercised with the same caution. I have therefore proposed a sum of three millions, chiefly with a view of enabling ministers to make advances to our allies, if we shall be compelled to persevere in the war. At the same time, we are not to consider such sums as lost to the coun-

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try. We have seen too many of those qualities, the inherent companions of good faith and honour, displayed in the recent exertions of his imperial majesty to entertain any suspicions with respect to his conduct. And we may confidently hope for the happiest result in the present contest from his courage and perseverance, fed by our resources and supported by our constancy. On this ground I proposed the vote of three millions.

The amount of the navy debt up to the 30th Nov. is 15,171,000*l.*, to which add, as the probable sum to the 31st Dec. 1796 1,000,000*l.*; add to this, the sum of navy debt first funded 4,414,000*l.*, and the amount of the navy debt on the 31st Dec. 1796, will be in all 20,595,000*l.* On the 31st Dec. 1795, it amounted to 12,362,000*l.*, so that the debt incurred in 1796 is 8,223,000*l.*, I foresaw and provided for 4,000,000*l.*; it has therefore exceeded my estimate by 4,223,000*l.*; and it is my duty to explain how this excess has happened. In the first place, the expense of transports exceeded what I had imagined, by no less a sum than 1,300,000*l.* The expense of foreign transports, demurrage, &c. has amounted to 900,000*l.* Another head of unforeseen expense was the unprecedented discount to which the navy bills fell, and which operated so injuriously upon commerce and on public circulation. On this head of discount there has been paid 600,000*l.* Thus, therefore, the committee will see that in three articles only, which it was impossible to anticipate, there has been expended nearly 3,000,000*l.*; and when they take into their farther consideration the circumstances of our having a new maritime enemy to encounter, and also a threatened invasion to repel, the sum of 4,200,000*l.* above my calculation will not appear a very remarkable error. The practical use that we must draw from the fact certainly is, not to avoid all estimates, but to make our estimates with as much correctness as possible, and at the same time to claim a large, though discreet, indulgence for unforeseen circumstances.

In stating these estimates, I have endeavoured to bring forward to the view of the committee all the information which they can possibly desire on the subject. It is matter of much congratulation, under the accumulated difficulties arising from a contest, as unexampled in its exertions as in the importance of its object, that we have been able to meet the exigency of the crisis, and to provide ample resources for every branch of the public service. If after four years of war, not only the permanent revenue is not affected, but even the new taxes are found to be fully productive, if the state of internal industry and domestic improvement exhibits a picture of prosperity, which would amaze incredulity if it did not address itself to observation, we have surely great and solid ground of satisfaction. It is with infinite pleasure I am enabled to state, that the receipts of the last quarter fully confirm the symptoms of our growing prosperity; and if those of the other quarters increase in the same proportion, the exports for the year will amount to thirty millions. This flourishing state of our affairs ought not to lessen our moderation, or abate our desire for peace. But that peace is not worthy of the name which is not calculated to afford internal and external security, to preserve to us the blessings of our constitution, to protect the operations of our industry, and to maintain the dignity of the British character among foreign nations.—Mr. Pitt concluded with moving, "That towards raising the Supply granted to his Majesty, the sum of 18 millions be raised by annuities:"

Mr. *Grey* said, much as he admired the eloquence with which the right hon. gentleman had adorned the false and deceitful statements he had made, he should be sorry if it could so far blind the House to the duty they owed their constituents, as to induce them to lay on the burthens that were proposed without inquiring how the expense was incurred, and adopting measures by which the extravagance which prevailed in the public expenditure might in future be checked. That night the right hon. gentleman had introduced topics somewhat different from those upon which he had usually insisted. He had now thought proper to adopt, as the criterion of national prosperity, an account of the exports and imports, and upon this proof he had rested the triumphant conclusions he had deduced. Last year this standard had never been mentioned; it was the facility of raising money, it was the low rate of interest at which a loan could be negociated, upon which he had placed the proofs of the flourishing state of our finances. Now, he had not said a word of the plenty of money, or of the low rate of interest. Indeed, with what decency could he have held that language,

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when he had it in contemplation to adopt that expedient, against which he had so often declaimed—a forced loan; and when this threat was actually contained in a letter from the right hon. gentleman to the governor of the bank, in order to accelerate the raising of the supplies for the present year. But now, it seemed, it was from a comparison of the imports and exports that the extent of our prosperity was to be determined. He had occasion, however, to examine the account alluded to, and he had been told in that House, that the exports and imports did by no means ascertain the real state of our commerce, or support the conclusion of our prosperity. The very account showed, that any inference founded upon it was erroneous. Thirty millions appeared to be the amount of our exports, of which one-fifth was coffee. This was the important document, then, upon which we were to be amused, with lofty statements of our increasing wealth and unimpaired resources! While six millions were stated as the amount of the export of coffee, only two or three were stated as the amount of the imports; and yet, upon such a paper as this, was the true situation of the country to be ascertained! The sum required for the service of the present year was 27,640,000*l.* Here, however, he must complain of the practice of bringing forward the ways and means before the House could be acquainted with the amount of the expenses of the preceding year. Such a practice was highly unconstitutional: for it prevented the House from exercising its powers of control, and enforcing that economy which it was bound to exercise. He maintained, that every thing of which any estimate could be formed, ought to be included in the statement of the expense of the year, and properly provided for. That so much of the expenditure consisted of sums over which parliament had exercised no control, was a point of serious importance. If they retained any regard for the functions with which they were invested, and that economy which the situation of affairs so much required, the House would adopt some effectual plan to check the extravagance which was practised, and that neglect of their control which marked the public expenditure.

Mr. *Fox* said:—Notwithstanding the evidence which has been brought forward by my hon. friend, to prove the erroneous manner in which the chancellor of the exchequer has treated the subject of this evening's consideration, I should not be satisfied, that I had performed my duty were I to pass over this day without expressing some of those feelings which have been excited by hearing one of the falsest statements of finance that ever was brought forward; calculated merely to delude the people of this country, and accompanied with some political observations which are a libel upon the constitution—observations that I would sooner die than avow; for if the principles conveyed by them are true, the end to which they lead must be, the downfall of this House and all its privileges, and the establishment of a dictator upon its ruins. I shall first, however, make some observations on what has fallen from the right hon. gentleman, relative to the subject of finance. It has ever been his boast, that in opening his budget, he has always come forward with plain and candid statements of the full extent of the charges to be made for the current service of the year. Upon more occasions than one, I allow this to be the case; but as to the business of this day, is there in the whole country so miserable a dupe, as to say that a fair statement has this evening been laid before us? It is unnecessary for me to enter into minute details. I wish to call the attention of the committee to principles. By the Consolidation act (27 Geo. 3rd, c. 13, s. 72) it is provided, that a paper shall be laid upon the table of this House, with an account of the annual charges of the public debt, together with the produce of the duties imposed, or of any addition that shall be made to the revenue for the purpose of defraying the increased charges. Now it appears, that since the commencement of the war, the increased charges amount to upwards of four millions, and that taking the amount of taxes, after making allowance for the Spanish armament, the stoppage of the distilleries, and other necessary admissions, there is a deficiency in the provision made for these charges, to the amount of 80,000*l.*, but this does not appear in the paper officially laid before the House. But we are told, that "were it worth while," all this could be explained in a most satisfactory manner. What does the right hon. gentleman mean? Will he dare to lay claim to the character of a fair and candid minister by barely telling us "what signifies what is

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the actual produce, my calculations are perfectly accurate, and that is sufficient." It may, and, indeed, it has been said, that, in stating this deficiency, many of the taxes have been taken only for part of the year, and some of them have not commenced. This, however, is not the case. I take them from the 5th of July 1795, to the 5th of July 1796; but let them, if you please, be taken from the 10th of October, and the conclusion will be found to be the same. But the right hon. gentleman farther says, that a deficiency may actually take place during the years of war, but that on the return of peace, and by the assistance of additional regulations, ample compensation may be made. If this be the mode of reasoning to be adopted, what is the use of this boasted paper of accounts? It is a mere form, a shadow. Let the deficiency be what it will, 80,000*l.* or one million, let the usual accounts be made up to satisfy the words of the statute, and let us leave the real deficiency to be afterwards provided for the best way we can, or by some peace regulations. What is this, sir, but flying from duty, and turning the business of finance into insult and mockery? Such conduct, too, comes with a peculiarly ill grace from that right hon. gentleman. His inconsistencies upon the present occasion it is impossible to enumerate. I remember well, upon the subject of spirits, he was formerly of opinion, that the duty would be too great; but now it is impossible to raise it sufficiently high: and with the most astonishing facility of argument, both war and peace are to tend equally to render it productive. The right hon. gentleman told us, in something of a commanding manner, that the exports of the present year would amount to 30 millions. The country, indeed, stands in need of some comfort; but if this increase of exports and imports be a source of consolation, as far as it goes, it has not been wanting at any period, except during some part of the American war. During the war under the conduct of sir Robert Walpole, and also during the seven years war, this increase was equally observable. I am not a person inclined to erect theories, but rather to oppose them if not confirmed by some sort of experience; but I have no doubt there are many persons who can give satisfactory reasons why exports and imports should increase in the time of war, generally speaking, and why the American war proved an exception. It may likewise be added, that such a proof of the flourishing state of the resources of the country was never brought forward by Mr. Pelham, lord Chatham, and other ministers, when placed in a similar situation in the wars to which I have alluded.—I must now beg leave to make a comparative statement of what must be the peace establishment at the end of this war. To do this, I take the average of the additional charges for the five last years, and add about 500,000*l.* more, which, altogether, will amount to about four millions. This day we are called upon to vote about 2,200,000*l.*, yet enormous as this sum is, if the House will attend to the real statement of facts, they will find that above one million more is still actually necessary. If this be true, what shall we say of the "fair statement" of the right hon. gentleman?—Mr. Fox entered next into an examination of the terms of the loan. After which he came to the vote of credit, on which he said, the minister had spoken out plainly and candidly. He had said he had given to the emperor, without the consent of parliament, 1,200,000*l.*, and that he is to continue to do it, if he shall think it necessary. Did the minister mean to say he intended to give it to him, but that he thought his own authority for that purpose was sufficient; that it was superfluous to submit such a subject to parliament; that he could issue the money of his own authority? Perhaps he did. It was of a piece with his advice to his majesty in 1784, to continue him as his minister against the declared opinion of the House of Commons. But now he had gone one step farther; for he had shown to the people, that he was a better judge than the parliament, to whom their money, and how much of it, should be given to any foreign prince. If (said Mr. Fox) these are the sentiments to be acted upon in this country; if the minister is to be permitted to carry them into effect, I declare for myself, that the constitution of this country is not worth fighting for. I wish to know on what principle it is, that the minister takes this power upon himself, rather than refer it to the Commons of Great Britain, to whom, and to whom only, it constitutionally belongs. If he directs the application of the money of the people thus, upon foreign affairs, without the consent of parliament, I see no reason why he should not claim the same

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power (as I dare say he will if he succeeds in this) over the whole of our domestic concerns. I am sure the reason he gives for the one, will just as well apply to the other. He says that parliament could not calculate so well as he could upon the necessity and upon the amount. That may be said as correctly of our domestic as of foreign affairs. Until this instance occurred, the minister thought it decent to apply to parliament, and to give you an estimate of what you are to provide for; but now he tells you that he did not think it necessary to consult you, because you are not judges of the extent of it. Did he consult you on the principle of it? He certainly did not. He suffered the last parliament to be dissolved; he suffered you all to meet your constituents, with an assurance (I do not say his positive and declared assurance, but by his silence he gave you an implied assurance), that no money was to be advanced to the Emperor in the interval of the dissolution. On the 27th of September you met. Did he give you any intimation of his having advanced this money before this very night, when he comes before you with his fresh burdens on the people? Not a word! For this conduct, I say, he ought to be impeached. He has had it in his power to consult you upon this subject long ago, as it was his duty. He has neglected to do so, by which he has manifested a determination to dispose of the money of the people of this country, without consulting their representatives. This is aggravated by his not calling parliament together sooner. If he had advanced the money before you met, why did he not tell you so? What reason can be assigned for this? In the name of God, what can be said but that the minister thinks his judgment better than the judgment of the representatives of the people of Great Britain? He has said much upon the time at which this money was advanced. If he had any intention of advancing this money before the dissolution, why did he not state that intention to the last parliament? Or, if he found out the necessity of it since the dissolution, might he not have said so to the present parliament long ago? But he has acted merely on his own authority, for the purpose of establishing the principle, that ministers are better judges of the manner in which the public money is to be applied, than the representatives of the people. The minister says, that we should feel the utmost confidence in lending our money to the Emperor, because we have seen in him those heroic qualities which usually accompany good faith. Now, supposing heroism to be a good criterion of good faith in pecuniary concerns, I should like to try the effect of this mode of reasoning. Suppose, for a moment, that we were in a state of neutrality with regard to the French republic, and it was proposed that we should lend money to the French, would the minister say we should lend them money? Certainly he would not; and, yet, if good faith in pecuniary engagements is to be measured by heroic qualities, there are none to whom we should be more ready to lend our money; for of their valour they have given abundant proofs.—Mr. Fox then proceeded to state the situation of the Emperor and the French at this moment, in which he maintained that, with all the success of the Austrians in the latter part of the present campaign, another could not be opened under circumstances of more advantage to the Emperor, than those in which he had been placed at the commencement of the last. He here took notice of the recent successes of the French in Italy, and by way of answering the praises that were bestowed on the good qualities of the house of Austria, he instanced the cruelties that had been exercised on the unfortunate M. de la Fayette, which, he said, excited horror all over Europe.—The minister had that night omitted the brilliant comparison which he had often made between the English and the French finances. The French had been stated, week after week, and month after month, to be not on the verge but in the gulph of bankruptcy. He did not know, whether the French had passed the gulph of bankruptcy. He hoped they had, for while they were in it, they were most dreadful enemies to this country. Year after year, had the minister calculated upon the events of the war, and year after year the public had been misled by his calculations. At one time he was sure the navy debt would only be a million and a half; after that he calculated the same debt at four millions, then at six or seven millions, and now it was stated to be above eight millions. What security had the House that the minister would not miscalculate in future? By his miscalculations he had added to

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the debt of this country 150 millions. By his miscalculations rivers of human blood had been made to flow all over the world. The minister now talked of peace. He hoped in God we should soon enjoy that blessing; but as the minister was so fond of his own calculations, he wished he would some day or night sit down in his closet and calculate what a sum of human happiness he had destroyed by his false calculations already; what a waste of human life he had occasioned, because he could not sooner discover that the French were "capable of maintaining the accustomed relations of peace and amity with other powers." He did not wish to distress the minister with any unseasonable applications, but he believed he should puzzle him a good deal were he to ask, at what period the French became more capable of maintaining the accustomed relations of peace and amity with other powers than they were at the moment when we entered into this contest.—Here Mr. Fox took notice of the great difference between the ministers of the elector of Hanover and those of the king of Great Britain, with respect to the prudence of all powers making peace with the French republic. He had heard it often said, that the spirit of the people of this country was very great. He believed it to be so. He gloried in that spirit. But if the system on which this war was carried on was to be continued much longer, he had his doubts of the continuance of that spirit. A great people, who saw hundreds of thousands of their fellow subjects fall, their national debt increased above 150 millions, their credit sinking, the necessaries of life becoming, by their price, almost entirely out of the reach of the labouring class, and all this merely because one man, or a few men in the country made false calculations, were not likely to preserve their old spirit. Such were the evils which the minister had already occasioned by his false calculations! To these charges he hoped the right hon. gentleman would have an opportunity of answering at the bar of the public. The national debt was now above 400 millions. He had not calculated exactly what portion of it was owing to this war altogether; still less was he able to guess what part of it was accumulated at particular periods of the war; but he was now ready to declare, what he had often declared, and still oftener felt, that he thought this war unjust in its commencement, and impolitic in its progress, and he believed there was not one man of sense in the country, who had any wishes for its welfare, who did not from his heart wish it was at an end. This he was sure was the general wish of the people of this country. It was the wish even of that House, else he was strangely deceived. This brought to his mind what had been lately published by a gentleman whose talents he always admired, and for whom, notwithstanding every thing that had happened, he had still great esteem, he meant Mr. Burke; that gentleman had lately published it as his opinion, that the minority in Parliament speak the sentiments of the people of England at this hour, and that they have done so for some time past. On the subject of the war, Mr. Fox said, he had no doubt that the minority spoke the sentiments of the people. On the subject of the war, at least, he would maintain that to be the case: he believed it to have been so ever since the time of Robespierre; but he would defy any man to show that peace was not the wish of this country only, but also that it was not the general wish of all Europe at this hour. He would go farther, and say, that in the opinion of Europe at large, nothing had impeded the arrival of general tranquillity for a long time, but the opinion of the minister of this country. All this arose from the miscalculation of the right hon. gentleman. However, that very minister now talked of peace; but let him consider on what terms we are likely to obtain it, and compare such terms with those which we might have obtained a great while ago, and then let him endeavour to calculate the mischief which his false calculations have brought, not upon this country only, but upon all Europe. Perhaps he might think the Cape of Good Hope an equivalent for all we had suffered. If he did, neither his humanity nor his judgment were to be envied. He was afraid, there was no point to be stated in the resolutions of this night that brought in question the propriety of lending money to the emperor, without the consent of parliament, and therefore he could not manifest, by his vote, his opinion upon that subject. However, when it should come before the House, he should certainly meet it with his direct negative, for it was a violent and daring attack on the British Constitution. It was essential for the House to come to a vote upon the question,

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whether the minister was to be permitted to apply money for foreign alliances without the consent of parliament? and that we should know whether we were in a free country, or were mocked only with the name of freedom?

The resolutions were put and carried.

Dec. 6. The Resolutions of the committee of Ways and Means were reported to the House. On the motion "That the said Resolutions be now read a second time,"

Mr. *Fox* rose and said:—It is not my intention, Sir, on this evening, to enter into any detailed argument upon the resolutions. I wish particularly to call the attention of the House to the degraded situation in which the Commons of Great Britain stand, in relation to the executive government of the country. It will be easily perceived that I allude to the 1,200,000*l.* which has been granted to the Emperor by ministers without the consent of parliament; a grant which I contend to be contrary to positive law, and a flagrant violation of the constitution of parliament. I certainly should have expected, since the right hon. gentleman did not think it worth his while to apply to the House before he advanced such a sum to a foreign power, that when he informed them of the circumstance, he would have accompanied it with some explanation. But from the mode in which the money was given, as well as from the speech of the minister on opening the budget, I perceive that the whole affair has been conducted, not for the convenience of ministers, or the advantage which they might imagine would result from it (though, God knows, this would have been bad enough!) but for the purpose of setting a precedent, from which the public money is to be understood as being at the disposal, not of the representatives of the people, but of the minister of the crown. When I returned home last night and reflected upon the various subjects which had passed under discussion, I felt hurt at the idea of having appeared to give my assent to resolutions so extremely unconstitutional. I considered myself as having been guilty of a neglect of duty, and as called upon to come forward this day, and enter my solemn protest against a measure which I regard as an infringement of the rights of the people, and of the privileges of this House: for I should look upon myself as a traitor to the public were I to vote one shilling, or one man, for the service of the crown, without the consent of parliament. We have been in the practice of hearing, for some time past, very warm eulogiums upon the constitution of the country, notwithstanding all the wounds which it has lately received; but I always thought that, whatever differences of opinion might subsist upon some points, there were others on which we were all agreed. Though we might differ in sentiment respecting the preponderance of power in one branch of the constitution over another, and in affixing precise limits to each, I thought and believed that there was no man who would maintain that it was right and proper for the executive to usurp the legislative power; or, that it was just and lawful for the crown to supersede the office of parliament.—But, let us consider the nature of the transaction before us. Had ministers, when parliament was not sitting, found themselves called upon by an imperious sense of duty, dictated by a combination of urgent and unforeseen circumstances, to grant a certain pecuniary aid to the Emperor, and had they taken the earliest opportunity upon the meeting of parliament, to submit the whole of the business to its consideration, then would have been the time for the House to pass a decision upon their conduct, after a candid and impartial review of the situation in which they were placed. But the present case is wholly different. In the course of the last three months of the last parliament, repeated applications were made to them respecting their intentions of granting pecuniary assistance to the Emperor; and, from their silence, it was natural to infer, that they would not grant such assistance without the previous concurrence of parliament. In fact, however, we find that a great part of the money has been granted without that concurrence, not during the parliamentary recess, but when parliament was actually sitting. If parliament had not been sitting, and ministers had thought it prudent to grant pecuniary assistance to the Emperor, I say it ought to have been assembled for the purpose of deliberating upon it; but when parliament was sitting, in God's name, why was not application made to the House? Was it because ministers were afraid that the House wanted confidence in them? The whole course of their experience taught them the contrary. No: it was

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because the right hon. gentleman thought himself better qualified to judge of the propriety of the time, and the extent of such assistance, than the House of Commons. I shall not dispute with him at present, whether he was or not. The constitution says, he was not, and under this authority he was bound to act. We yesterday heard something like an apology from the right hon. gentleman, which, to me, appeared as unsatisfactory as the conduct which it was brought forward to justify is unconstitutional. It consisted of two parts: in the first place, that parliament was not so good a judge of the amount of the assistance to be granted to the Emperor as the right hon. gentleman; and, secondly, that from the discussions to which the publicity of the transaction would lead, considerable mischief might have taken place. With respect to the first, it takes the point at issue for granted, by supposing that an absolute is preferable, to a limited monarchy; and that our free constitution would be much better were it transformed into a despotism. As to the danger to be apprehended from the publicity of the transaction, the pretence may be used upon other occasions as well as upon this, till at last we come to the old exploded argument, that the money of the people ought to be vested with the king's ministers, and not with their own representatives. In short, the right hon. gentleman tells you, he did not think it worth while to acknowledge you at all in the matter, because you were neither fit judges of the propriety of the quantum, nor of the period for granting the money. He takes care, however, that you shall finally be informed of it. But when? When it comes to be paid.—Let us see, also, from what fund this loan has been raised. One part of it has been raised upon a vote of credit, and another part has been taken from the money voted for paying the extraordinaries of the year, and of course certain services of which parliament approved, and for which it made provision, remain unpaid. In what situation, then, is the House placed? If they refuse to make good the debt, which I hope and trust they will, a part of the public service will remain in arrears. They are reduced, therefore, to this dilemma, either to discharge a debt, in contracting which they were not acknowledged, and for which they are not responsible, or by refusing to discharge it, to leave services which were sanctioned by their approbation unpaid. Were I to put the question to any man at all acquainted with the constitution of the country, When expenses are to be incurred, who are the best judges of the propriety of incurring them? he would answer, the Commons of Great Britain. And were I to add, When the propriety of incurring certain expenses is decided, who are the best judges of the extent to which they ought to be incurred? he would not hesitate also to reply, the Commons of Great Britain. When we give up these two strong holds, the constitution is lost. What, then, are we to think of the minister who wrests them out of our possession? Or what will be said by future historians of that parliament which tamely gave them up without one syllable of remonstrance, or one threat of defiance? I hope the present parliament will vindicate its own dignity and importance at the outset, and show the ministers that if they are advisers of the measures of the crown, the House of Commons are the guardians of the public purse. On the present evening I shall think it my duty to take the sense of the House upon every question, whether of supply or of ways and means; and if I succeed I will move on an early day, that ministers, in granting a loan to the Emperor without the consent of parliament, have been guilty of a high crime and misdemeanor. I hope the subject will be taken up out of doors, that the people will, in every part of the country, express their abhorrence of the doctrine last night delivered by the right hon. gentleman, and that the House of Commons will be obliged (I do not mean by force, but by the voice of the country) to assert those rights which they have pusillanimously surrendered. For my own part, I consider this as a more serious attack upon the constitution of the country, than any that have been conveyed through the writings of Paine, or of any man whatever. The nature of a libel is explained by its tendency to bring into hatred and contempt the constitution. Were I upon a jury, deciding upon any composition containing the speech of the right hon. gentleman last night, I would not hesitate to pronounce it a libel upon the constitution; for if the doctrines laid down in it are constitutional, ours is a most vile and detestable constitution. Even after all the attacks which have been made upon it, and all the wounds which it has

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received, we were ready to shed our blood in its defence; but if, after what we have lost in money, in reputation, and in blood we are also to submit to this gross oppression, I then say, that the House of Commons ought no longer to be considered as a branch of the constitution; and that there is little in our government to distinguish it from that of absolute monarchies.

Mr. *Pitt* said: — There is something peculiarly singular, in the manner in which the new constitutional light has broken in upon the right hon. gentleman. This declaration of mine, which has infused so deadly an alarm into the mind of the right hon. gentleman was made yesterday, in a way the most clear and distinct. This declaration, which he now feels to be so fatal to the liberties of the country, as to render it incumbent upon him to make it the ground of an extraordinary proceeding, did not yesterday strike him as of so much importance as immediately to call him up. After an interval of debate, it had deranged none of the calculations of the right hon. gentleman, nor had it deterred him from allowing the resolutions to be carried with an unanimous vote. But after the right hon. gentleman had slept upon the subject, he discovers that the speech which he yesterday heard with so much indifference, contains principles of such dreadful tendency, as to lead him not merely to propose a reprobation of the particular measure; and the punishment of the person by whom it was uttered; but to take revenge for the error or the guilt of a minister, by giving his negative to resolutions which have no relation to the particular measure in question, and to suspend those supplies which are to give confidence to the negotiations for peace, or in case of being reduced to that alternative, energy to the operations of war. Such is the length to which the proposition of the right hon. gentleman goes. I cannot, however, but hope, that when the right hon. gentleman has viewed the subject with more consideration, when he has again slept upon his wrath, he will recur to that coolness which he first experienced, and that his vehemence and his alarm will subside. The right hon. gentleman says, that if he succeeds in his present motion, he will move the House against his majesty's ministers for the part they have acted upon this occasion. I hope the right hon. gentleman will not defer for a single moment the step which he has threatened; that he will confine his efforts to that object; and that he will not combine with the vengeance he pursues, a measure that involves the ruin of his country. The rest of the right hon. gentleman's observations are so exclusively confined to myself, that I am at a loss in what way to proceed. The right hon. gentleman stated the general principle which constituted the chief security of our liberties—the power of controlling the public expenditure; and I hope there is little difference of opinion upon this subject. But although the general principle be admitted, it cannot be disputed that it is subject to limitation. The principle of extraordinaries has prevailed under every administration during the three last reigns, and in the most approved periods of constitutional liberty. It is impossible, therefore, that the right hon. gentleman can have correctly stated this argument. The right hon. gentleman chooses to overlook in one instance what he alludes to in another part of his speech. Did it never occur to him that parliament had sometimes committed to his majesty, not new, but special powers, which superseded all general questions? In reality this discretionary power is expressly committed to his majesty. The vote of credit bill last year actually invests the executive government with the discretionary power of applying the sums granted in the manner that may best suit the public exigencies, and the money applied to the service of the Emperor is within the amount of the grant. I do not mean to say that the discretion thus vested in the crown is absolute and independent of the control of parliament, or that the minister, who exercises it in an improper manner, is exempted from censure; but in what manner I understand this limitation, I will state when I am called upon to make my defence. Whatever may be the issue of this discussion, I cannot forbear observing, even at the risk of incurring the imputation of arrogance, that I would rather be convicted of having acted a principal part in the measure of granting a supply by which the salvation of Austria was secured, and the independence of Europe maintained, than be acquitted for withholding that aid, by which the cause of our allies was sacrificed and the general interests of mankind compromised. At present, however, the

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question is not, whether the conduct of ministers was proper or improper; but whether we shall announce to France that the supplies of the year are to be stopped, and the exertions of the executive power suspended?

Sir *W. Pulteney* said, it was with concern and astonishment he had heard, on the preceding evening, that the minister had taken upon him to appropriate so large a sum of the public money, without the consent of parliament. The control of the House of Commons over the public purse was the main point upon which our constitution rested. The present case was one of the very last importance. The justification offered by the chancellor of the exchequer was grounded upon two arguments, drawn from the words in which the vote of credit was expressed: first, that it was meant to defray the extraordinary expenses of the year. Undoubtedly it was, and unfortunately it happened that extraordinaries and a vote of credit must be granted in every year of a war. But surely it never was intended, that subsidies to foreign powers should be supplied by a vote of credit. New circumstances might doubtless occur to render it proper for ministers to exercise their discretion; but here the circumstances were foreseen, and had been laid before parliament. The fact that this sum had been advanced, came out in a very suspicious manner indeed. There seemed to have been a desire of concealing the fact as long as possible, and a disclosure was only compelled by necessity: He could not go the length of stopping the supplies, though he was of opinion that a strong mark of censure ought to be inflicted by the House. By neglecting to consult parliament at a time when it was sitting, the minister appeared to set himself above their control. As to the influence which a parliamentary sanction to this measure might have had upon public credit at an earlier period, he thought it too trifling a consideration to weigh against the fundamental principles of the constitution; and, with regard to the credit which the minister assumed for acting advantageously when he concealed from the enemy the intention of affording supplies to our ally, he considered that concealment as having had a very different effect; for it was clear to him that it was in a great measure on the supposition that this country had refused supplies to the Emperor, that the French had made redoubled efforts, and advanced so far into the heart of Germany. The right hon. gentleman asked, whether, in order to pass a previous censure on this conduct, the House would stop the supplies of the nation? It was this dilemma which, in his mind, aggravated the misconduct of the minister, who put the House in that situation, that it must either acquiesce in an expenditure made in so blameable a manner, or bring danger on the country by stopping the supplies. He trusted that this proceeding would not pass the House without receiving some strong marks of its disapprobation.

Mr. *Grey* said, that if the obsequiousness and servility of the House had not encouraged the designs of the minister, they never would have seen this daring invasion of their rights. When at last, however, they were sensible of the danger, if the outrage was not expiated by the punishment of the right hon. gentleman, he would maintain that there no longer was any law or constitution in England. How must the astonishment and indignation of the House be increased, when they found, that when parliament was sitting, these advances had been made! The whole system of the right hon. gentleman indicated a desire to conceal this matter as long as possible. The right hon. gentleman will rest his defence on the general principle of army extraordinaries; he will tell us that a case of real exigency, is a case that ought to supersede the inferior demands of economical, or even legislative prudence. But let me tell him that no financial exigency can be paramount to the constitution; that no duty is so sacred as the maintenance of it. The existence of the constitution depends on the vigilance of a discerning House of Commons over the acts of ministers. Such a House will not be satisfied, on great constitutional questions, with pompous denunciations of the opposers of ministerial arrogance, of the foes of ministerial profusion. It will not be satisfied with retrospective and unconstitutional measures of any kind; but will in every situation evince, by the conduct of its members, that there is still a barrier to encroachments, a line beyond which not even his majesty's ministers can extend their predatory efforts. In the present case, it cannot for a moment be argued, that it was not the duty of ministers to come to parliament with a specific proposition, before the money of

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the people was applied, in a way that must subject them to new and extraordinary burthens. That the public money was thus applied, is evident. That the constitution was infringed, is equally so. But the right hon. gentleman will tell us, that, granting our principle to be a fundamental principle of the constitution, there yet is an exception to that, as well as to all general rules. He, indeed, has told us, that the sum advanced to the Emperor was advanced under circumstances, and at a time when it was necessary that the exception should be adopted. Thus he takes the exception, and argues from the necessity of the case. We might, in the same way, at once, give an unlimited vote of credit to ministers. Perhaps the right hon. gentleman will next tell us, that any account of the disbursement of the army extraordinaries might thus be avoided. So it might. There was, however, a time when the right hon. gentleman would have called such an exception as he has this night adopted, paltry; a time when he was an enthusiast in the cause of liberty, an economist, and a reformer. In the year 1782 this circumstance of extraordinaries would, by the right hon. gentleman, have been spoken of and reprobated as an evil which could not be too jealously watched, as an infringement ever to be resisted, as a principle that could not be too severely reprobated. These avowedly were then his sentiments of that species of ministerial chicanery; insomuch, that immediately after he was made minister, the House was called upon, by a speech from the throne, to watch with jealousy, and repel with dignity, every such attempt to dilapidate and infringe the constitution. Much apprehension had arisen, from the fear of an invasion; but he would venture to say, that no invasion or attack that could take place, would go so decidedly to the destruction of all that was valuable, as such a power lodged in the hands of ministers. Viewing the subject in this light, he thought it his duty to oppose, or at least suspend the supplies. It was asked, Were the supplies to be suspended; the supplies, the possession of which would afford to government so much weight and vigour? He would answer, yes; and he was sure we should not negociate less favourably if the French saw that the House was determined to maintain its rights. The firmness with which they asserted their own dignity, would be a pledge of the spirit with which they would resent the insults of the enemy. Assuming that exalted situation on which a free people ought to stand, they would negociate more advantageously with a free people; a people that he hoped would remain free; a people whom the right hon. gentleman considered capable of maintaining the relations of peace and amity, who had "snorted away the indigested fumes of the blood of their sovereign," and with whom the right hon. gentleman deigned to negociate. But, in reality, the proposition did not go to negative the supplies: it was only intended to suspend them till the wound given to the constitution was made whole. He therefore would move an amendment, "That the second reading be put off till to-morrow;" and if the House agreed, he would to-morrow move the House to resolve, that in making these advances without the consent of parliament, the minister had been guilty of a high crime and misdemeanor.

Mr. *Wilberforce* said, he was averse to postponing the passing of the resolutions, even till to-morrow, on the score of propriety and policy, but more particularly when he recollected the essential difference there was in the manner in which the business appeared to gentlemen yesterday and to-day, and the great difference that might possibly take place in their opinions before to-morrow; for he could not conceive that the question which had been suggested, had any thing at all to do with the business of supply. The chancellor of the exchequer had by no means left the matter of the subsidy to the Emperor to repose: on the contrary, he had, in his speech of yesterday, mentioned the matter as a necessary part of the financial statement; and that he did not rest his justification of the measure there, but would reserve it for future discussion. On an attentive perusal of the vote of credit, it would be found to convey an impression that ministers were authorized in employing the whole, or any part of the sum provided by it, in such manner as the exigencies of the state might require. Upon this, then, a question arose, whether the mode in which ministers had applied the money was or was not necessary to the success of the cause in which the nation was embarked. If there was no necessity for applying the money in the way in which it had been advanced, he would be found not among the last to censure the conduct of ministers. But

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every one disposed to determine impartially, must recollect the peculiar circumstances attending the time in which it was advanced; the state of public credit, and the state of our allies; and, striking a just balance between the caution to be observed with the one, and the attention due to the necessities of the other, make a just allowance for the difficulties under which ministers were obliged to act, and decide, if not with liberality, at least with justice. The question was how far his right hon. friend had acted right? And in this the event justified him. It appeared from the manner in which the money was issued, and the disproportion the whole of it bore to the sum originally intended, that he was swayed by motives of caution, and a consideration of the necessity, to accommodate himself to the circumstances of the times. The effect his conduct had produced was obvious to every man. Who was there acquainted with commercial affairs, who would not say that the state of public credit was much worse then than it is at present? Every symptom of weakness at such a crisis would have been dangerous. For his own part, he considered the measure not merely justifiable, but deserving of praise instead of censure.

Mr. *Yorke* thought the present question the most important of any he had ever heard discussed. If ever there was a time since the Revolution, when partial affections and party interests ought to be abandoned, the present was that time. The question before the House was merely, whether the resolutions of the committee of ways and means should be agreed to by the House; for the assistance given to the Emperor was out of a sum of money granted by a vote of credit to defray any extraordinary expenses of the army that might accrue; and as the extraordinaries of the army were not yet voted, it was consequently a separate consideration: yet an hon. gentleman had proposed to negative this question, on the principle that the money granted by the vote of credit in a former year was misapplied, and thereby to postpone the supplies necessary for the service of the present year. Such a delay in the provision of the supplies might be of dangerous consequence; for gentlemen were to recollect, that we were still involved in a dangerous war, and were at the most critical period of the most critical negotiation. With respect to the application of the money granted by the vote of credit, he knew no law nor precedent why a part of it should not be sent to the Emperor, any more than to St. Domingo or Toulon; if the exigency of the case required. The question, then to be considered was, whether the exigency of the circumstances required it, and upon that he entertained no doubt whatever. Although he did not wish to have the resolutions postponed, he certainly hoped the hon. gentleman would bring forward his specific accusation, that the House might determine as speedily as possible whether the minister was justifiable in his application of the vote of credit. It appeared to him that he was justifiable, and that instead of reprobation, he deserved commendation, and might exclaim, in the spirit of what Scipio said to the Romans, "I have spent 1,200,000*l*., but I have saved Germany."

Mr. *Harrison* maintained, that to apply money without the consent of parliament, as it had been applied in this instance, was a high misdemeanor, and deserving the reprehension of that House—and the more so, as it was part of the system of the minister to take away all the power of the House of Commons, and to vest it in the hands of the executive government.

Mr. *Curwen* said:—The question we have now before us is, in my opinion, the most important that has ever been discussed within these walls. It is not that 1,200,000*l*. have been given to the Emperor. The real question for the House to decide is, whether we will suffer the most important principle of the constitution to be violated with impunity, the indisputable right of the Commons to the guardianship of the public purse. Much as it is our duty to provide for the security of the country against foreign enemies, it is yet more important to preserve the constitution. On the vote this night depends the value of the stake we have to contend for, and the future importance of this branch of the legislature. No one will controvert the sole right of the Commons to dispose of the public money; and yet the right hon. gentleman has dared to do it. If the necessity of the times called for such a measure in the absence of parliament, could any thing justify the delay of a moment as soon as the House was met to come for indemnity? The plea of necessity is totally inadmissible. If we suffer this to pass, I should consider

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the constitution as destroyed, the dignity and importance of the Commons as gone, and every claim to respect forfeited. I trust the House will by the vote this night, teach the right hon. gentleman that the season is not yet arrived, when with impunity he may trample upon the Commons of Great Britain.

The *Master of the Rolls* could not well say, whether he had ever assisted at a debate on a subject so delicate and important as that which was then before the House. In the opinions of some, it ought to supersede the discussion of every other subject, even that of voting the supplies; while others seemed to require that ministers should have come down to the House for an act of indemnity, to screen them from the consequences of the unconstitutional measure with which they are accused. To neither of these opinions did he incline; nor did the present question call on him to pronounce on these points. In general, he thought the second thoughts of the gentlemen opposite much better than their first; but on this occasion, he must regard their first thoughts as preferable to their second. On the preceding night, among all the arguments they had adduced, none were pointed to the subject at that moment in agitation; neither could he conceive what had put it in their heads to stir the question they had now started: ministers were as criminal on the preceding night as at that moment; but even supposing them thus guilty, could not gentlemen permit the present business to go on one stage more, without supposing themselves precluded from bringing forward at a future period the investigation they were so eager to institute? Abundant opportunities would offer of bringing it before the House; and if it was of that importance it was said to be, ought it not to be brought forward directly and distinctly, and not collaterally, and involved in a business with which it had no connexion? At present he was not prepared to decide on the question, whether the conduct of the minister should be imputed to him as a crime or not. It was not the question that now awaited the decision of the House, and he wished no gentleman would answer what might be farther offered on the occasion; for his part, he was not obliged to stay, nor would he permit himself to be convinced by the arguments that were urged on the other side.

Mr. *W. Smith* said, that the question for the House to decide on was, whether the question of his right hon. friend was of sufficient importance to induce the House to dismiss the reading of the resolutions, and give that the preference? If it was, he thought the House could not consider the motion for delay unnecessary.

Lord *Hawkesbury* wished the charge to be brought forward directly; but let it be brought forward when it would, it did not prevent the House from voting the supplies that evening, because the money sent to the emperor was not included in the question of the resolutions, nor was the House pledging itself at a future time to justify that expenditure. All must agree that the supplies ought not, at this particular crisis, to be stopped unnecessarily for a single moment; and as the question alluded to could be brought forward as well to-morrow, no injury could arise from delay.

The question being put that the word "now" stand part of the question, the House divided:

Tellers.

Yeas	The Lord Hawkesbury - - Mr. Charles Yorke - -	164
Noes	Mr. M. A. Taylor - - Mr. Curwen - - - -	58

So it was resolved in the affirmative.

The King's Message respecting a Declaration of War by Spain.] Dec. 12. Mr. Secretary Dundas presented the following Message from his Majesty:

"George *R.*

"His Majesty is concerned to acquaint the House of Commons, that his endeavours to preserve peace with Spain, and to adjust all matters in discussion with that court, by an amicable negotiation, have been rendered ineffectual, by an abrupt and unprovoked declaration of war on the part of the Catholic king.

"His Majesty at the same time that he sincerely laments this addition to the calamities of war, already extending over so great a part of Europe, has the satisfaction to reflect, that nothing has been omitted on his part, which could contribute to the maintenance of peace, on grounds consistent with the honour of his crown, and the interests of his dominions.

"And he trusts, that, under the protection of Divine Providence, the firmness and wisdom of his parliament will enable him effectually to repel this unprovoked aggression, and to afford to all Europe,

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an additional proof of the spirit and resources of the British nation. G. *R.*"

Declaration of War by Spain.] Mr. Secretary Dundas also presented, by his Majesty's command, the following

DECLARATION of War by the Court of Madrid against Great Britain. Dated, Palace of St. Lawrence, October 5, 1796.

One of the principal motives which determined me to make peace with the French republic, as soon as its government began to take a regular and solid form, was the conduct which England had observed towards me during the whole course of the war, and the just distrust which the experience of her ill faith ought to occasion on my part for the future. This ill faith became manifest in the most critical moment of the first campaign, from the manner in which admiral lord Hood treated my fleet at Toulon, where he attended to nothing but the destruction of what he could not carry away with him, and from his presently after taking possession of Corsica; which expedition that admiral concealed with the greatest care from Don Juan de Langara, when they were together at Toulon. The English ministry afterwards confirmed the same, from their silence in all their negotiations with other powers, especially by the treaty which was signed, the 19th November 1794, with the United States of America, without any respect or consideration for my rights, which were well known to them: I noticed also that ill faith in their repugnance to adopt the plans and ideas which might accelerate the conclusion of the war, and in the vague answer lord Grenville gave to my ambassador, the marquis Del Campo, when he applied for succours to continue it: I was finally confirmed in that opinion, by the injustice with which they appropriated to themselves the valuable cargo of the Spanish re-captured ship, St. Jago or Achilles, which they ought to have restored, according to the agreement between my first secretary of state, and of the Despacho the prince de la Paz and lord St. Helens, his Britannic majesty's ambassador, and by the detention of the naval stores coming for the use of my arsenals, on board Dutch vessels, the forwarding of which was delayed under fresh pretexts and difficulties. Lastly, I had no doubt left of the ill faith in the conduct of England, from the frequent arrival of English vessels on the coast of Peru and Chili, to carry on a contraband trade, and reconnoitre those coasts, under the pretext of the whale fishery, a privilege they claimed by the Nootka Convention. Such were the proceedings of the English ministry to prove the friendship, good understanding, and strict confidence which they had offered to observe with Spain, in all the operations of the war, by virtue of the convention of the 25th of May 1793. Since peace was concluded with the French republic, I have not only had the best grounded motives to suppose England harboured an intention to attack my American possessions, but I have received direct injuries, which have confirmed to me the resolution formed by that ministry, to oblige me to adopt a part contrary to the good of humanity, torn to pieces by the bloody war which is annihilating Europe, and contrary to the sincere desire I have manifested on repeated occasions to put an end to it, by means of peace, proposing my good offices to accelerate its conclusion. England has in fact showed openly her views against my dominions, by the great expeditions and armaments sent to the West Indies, destined in part against St. Domingo, in order to impede its delivery to France, as is evident from the proclamations of the English generals in that island, by the establishment of trading companies in North America, on the banks of the river Misouri, with an intention to penetrate through those regions to the South Sea; and lastly, by the conquest she has just made on the continent of South America, of the colony and river of Demerari, belonging to the Dutch, which advantageous situation puts her in the way to occupy other important points: but her views have been still more hostilely and more clearly shown, by her repeated insults to my flag, and by the violence committed in the Mediterranean, by her ships of war, in taking out of different Spanish vessels, the recruits for my armies, who were coming from Genoa to Barcelona; by the acts of piracy and vexation, by which the Corsican privateers, protected by the English government in the island, destroy the Spanish trade in the Mediterranean, even within the bays of the coast of Cataluna, and by the detention of several Spanish vessels laden with Spanish property, which have been carried into the English ports, under frivolous pretexts, especially by the embargo of the rich cargo of the Spanish ship Minerva, executed with outrage to the Spanish flag, and still detained in spite of the most authentic documents, showing the said cargo to be Spanish property, having been presented in the proper court: the offence has not been less grievous, which has been offered to the character of my ambassador Don Simon de las Casas, by one of the courts of law in London, which ordered him to be arrested on the ground of a demand made by a master of a vessel, for a very small sum of money: and lastly, it has been no longer possible to tolerate the enormous violations of the Spanish territory on the coasts of Alicant and Galicia, committed by the brigs of the English navy, the Cameleon and Kangurroo; and that which took place at the island of Trinidad, was still more scandalous and insolent, when captain Vaughan, commander of the Alarm frigate, landed with colours flying and drums beating, at the head of his whole ship's company, armed to attack

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the French, and revenge injuries, which he said he had received, thus disturbing, by a proceeding so offensive to my sovereignty, the tranquillity of the inhabitants of that island. By such reiterated and unheard-of insults, that ambitious nation has repeated to the world, the examples of her knowing no other law than that of the aggrandizement of her trade, by means of an universal despotism by sea. She has gone beyond the bounds of my moderation and forbearance, and obliges me, in order to support the honour of my crown, and to attend to the protection I owe my subjects, to declare war against the king of England, his kingdoms and subjects, and to command that such corresponding orders be sent to all parts of my dominions, as may be best calculated for the defence of my beloved subjects, and for the annoyance of the enemy.

Answer to the Declaration of War by Spain.] Dec. 13. Mr. Secretary Dundas presented to the House, by his Majesty's command, the following

ANSWER to the Declaration of War of the Court of Madrid against Great Britain. Dated, Westminster, December 12th. 1796.

The open and undisguised aggressions of Spain, the violences committed against the persons and properties of his majesty's subjects, and the unprovoked declaration of war on the part of that power, have at length obliged his majesty to take the necessary measures for repelling force by force, and for vindicating the dignity of his crown, and the rights and interests of his people.

At the moment of adopting these measures his majesty thinks it due to himself to remove every shade of doubt which could be thrown on the indisputable justice of his cause; and it will be easily proved, from the very reasons adduced by the court of Madrid in support of its declaration of war, that all the calamities, which may ensue from it, are solely to be attributed to the conduct of his enemies.

A simple reference to that declaration, and a bare enumeration of the vague and frivolous charges which it contains, would indeed be sufficient to satisfy all reasonable and impartial minds, that no part of the conduct of Great Britain towards Spain has afforded the smallest ground of complaint, much less any motive sufficiently powerful for adding to the present calamities of Europe all the evils of a new and complicated war.

The only difficulty of a more detailed reply, arises not from the strength and importance of the complaints alleged, but from their weakness and futility, from the confused and unintelligible shape in which they are brought forward, and from the impossibility of referring them to any established principle or rule of justice, to any usual form or topic of complaint between independent governments, or to any of those motives which can alone create the painful duty of an appeal to arms.

The acts of hostility, attributed to his majesty in the manifesto of Spain, consist either of matters perfectly innocent and indifferent in their nature, or of imputed opinions and intentions, of which no proof is adduced, nor any effect alleged; or lastly, of complaints of the misconduct of unauthorized individuals, respecting all which his majesty has never failed to institute inquiry where inquiry was necessary, and to cause justice to be done in the regular course of judicial proceedings. The very nature of such complaints, affords a sufficient answer to the conclusion attempted to be drawn from them by Spain; and his majesty might have been well justified in declining all farther discussion, on points on which it was manifest that no just motive of hostility could be grounded.

Such, however, was not his conduct. Anxious to avert from both kingdoms the calamities of war, he has repeatedly, but in vain, proposed to adjust, by amicable discussion, all points of difference which could subsist between the governments of two nations, whose real interests were the same, and who had an equal concern in opposing the progress of a common enemy.

This discussion having been always studiously avoided by the court of Madrid, it now remains only for his majesty to vindicate in this public manner, his own cause, and to prove the futility of those pretences by which that court now seeks to colour its aggression.

The first point brought forward to support an accusation of ill faith, is the conduct of the king's admiral at Toulon, who is charged with having destroyed those ships and naval stores of the enemy which he could not carry away with him; and with having afterwards undertaken an expedition to Corsica without the knowledge or participation of the Spanish admiral. To an accusation of such a nature, alleged as a ground for war between two great nations, it can hardly be expected that a serious answer should be given. It is, perhaps, the first time that it has been imputed as a crime, to one of the commanding officers of two powers acting in alliance, and making common cause in war, that he did more than his proportion of mischief to the common enemy. And if it be really true that such a sentiment was entertained at Madrid, certainly no other justification can be necessary for not inviting the officers of that court to join in subsequent expeditions against the same enemy. At all events it cannot be pretended that a co-operation between two allies (however cordial and sincere) in any one particular enterprise, could afterwards restrain either of them from undertaking separately any other, to which his own force appeared in itself to be adequate.

The second instance of ill faith attributed to his majesty is, the conclusion of a treaty

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of amity and commerce with the United States of America, a power with whom both Great Britain and Spain were at peace; with whom the king, as well as his Catholic Majesty was perfectly free to contract any such engagements; and with whom the court of Madrid has actually concluded a similar treaty, with this difference only, that the stipulations of the British treaty can give no ground of offence or injury to any other power while the Spanish treaty contains an article (that respecting the navigation of the Mississippi) which, if it could have any force or effect at all, would be on the part of Spain a direct breach of treaty with Great Britain, and a gross violation of the important and unquestionable rights of his majesty and his people.

The same ill faith is said to have been manifested in the unwillingness shown by the British government, to adopt the plan proposed by Spain for hastening the conclusion of the war with France (but what these plans were it is not stated); and also in the omitting to comply with an application made by Spain for pecuniary succours, as necessary to enable her to act against the common enemy. The failure of such an application cannot certainly be matter of surprise to any one who considers the situation and conduct of Spain during the war. It can hardly be alleged, even as an excuse for the precipitate peace concluded by Spain, without the knowledge of her allies; but it is difficult to conceive how such a refusal can be made a ground of hostility towards Great Britain, or with what consistency the inability of Spain to prosecute the former contest, without pecuniary aid from its ally, can have become a motive of engaging gratuitously in all the expenses and difficulties of a new war against that very power.

With regard to the condemnation of the St. Jago (a prize taken from the enemy by his majesty's naval forces) his majesty has only to reply to the injurious assertions on that subject in the Spanish manifesto, that the claims of all the parties in that cause were publicly heard and decided according to the known law of nations, and before the only competent tribunal, one whose impartiality is above all suspicion.

The conduct of his majesty respecting the naval stores which were claimed by Spain, though found on board Dutch vessels, has been in like manner exempt from all blame; nor was any unnecessary delay interposed respecting those cargoes, till the equivocal conduct of Spain, and the strong and just suspicion of her hostile dispositions, made it impossible for his majesty to consent to supply her from the ports of his dominions with the means of acting against himself.

The next charge relates to the alleged misconduct of some merchant ships, in landing their crews on the coasts of Chili and Peru, with the view of carrying on there an illicit commerce, and of reconnoitering the country. On this it is to be observed, that these views are not attempted to be proved by any fact whatever; that if any act was, in truth, committed by individuals in those distant territories, against the laws of the government established there, those laws might have been enforced upon the spot; and that the court of London has always been open to receive and redress all complaints of that nature; but that what is assigned in the manifesto as a mere cover and pretext for fraud, namely, the exercise of the whale fishery by the English in those parts, is not, as is there asserted, "a right which the English claim under the convention of Nootka;" it is one which was not then for the first time established, but solemnly recognized by the court of Madrid as having always belonged to Great Britain; and the full and undisturbed exercise of which was guaranteed to his majesty's subjects, in terms so express, as to admit of no doubt, and in a transaction so recent, that ignorance of it cannot be pretended.

Such, it seems, were the offences of the British government, and such the jealousies and apprehensions of Spain, during the time when the courts of London and Madrid were united in the bonds of alliance, and engaged in a common cause; and it is on motives as frivolous as these, that the court of Madrid began to project an offensive alliance with the king's enemies, a design which it now professes to have entertained from the moment when it separated itself from the common cause; but which was long after that period disguised under the most positive and explicit assurances of neutrality.

It is insinuated, that the good offices of his Catholic Majesty for bringing about a general pacification, had been tendered to Great Britain, and had been refused. What degree of impartiality could have been expected from such a mediation, the dispositions which Spain now avows herself to have entertained at that period sufficiently show: his majesty exercised his undoubted right of judging for himself and for his people, how far a negotiation commenced under such auspices, was likely to contribute to the honour and interests of his dominions; and he now finds the propriety of his decision confirmed beyond a doubt by the conduct and avowals of Spain.

It is next stated, that in the prosecution of the war, in which Great Britain is engaged her views seem uniformly to have been directed to the annoyance of the Spanish possessions in America. In support of this accusation, are adduced an expedition directed against St. Domingo, the conquest of the Dutch colony of Demerara, and the supposed establishment of British commercial companies on the banks of the Misouri, formed with a view of penetrating to the South Sea.

This latter point is one to which it is impossible to make a specific answer, because

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the British government has no knowledge of any fact to which it can refer; within the Spanish territory the Spanish government certainly possesses both the right and the power to prevent individuals from trading; within the American territory his majesty's subjects have, by treaty, a right to settle and to trade; and they have also an express right freely to navigate the Mississippi, by which the territories of Spain and of the United States are divided from each other: unless, therefore, it can be shown, that the British government has authorized any settlement on the Spanish territory, this complaint can afford no pretence for hostility against his majesty.

With regard to the expedition against St. Domingo, and to the conquest of Demerara, it is impossible to refrain from remarking, that however highly the rights of neutral nations ought to be respected, and whatever delicacy his majesty might be disposed to feel towards those of a power, so lately his ally, and not yet become his enemy, it is a new and hitherto unheard of claim of neutrality, which is to be circumscribed by no bounds, either of time or place, which extends equally beyond the date and beyond the limits of possession, and is to attach not to the territories of a neutral power itself, but to whatever may once have belonged to it, and to whatever may be situated in its neighbourhood, although in the possession of an actual enemy.

The subject, however, of St. Domingo deserves to be more particularly adverted to, because the attempt on the part of Spain to cede a part of that island to France, is a breach of that solemn treaty, under which alone the crown of Spain holds any part of its American possessions. The conclusion of such an article, without the knowledge of an ally so deeply concerned as Great Britain in that stipulation, both in right and interest, was therefore an act such as would have justified any measures to which the court of London could have recourse; yet so earnest was the king's desire to maintain peace with Spain, that he repeatedly endeavoured to fix, by amicable discussion with that court, the period when the right of Spain to the territory so ceded was to cease, in order that any operation, which it might become expedient for his troops to undertake there, might be directed against the French alone; and although no explanation could ever be obtained from the court of Madrid on this subject, his commanders on the spot were restrained from acting, and did not act against the Spanish part of the island, till the cession actually took place, by which it became, as far as the act of Spain could make it, a part of the territories of France.

To the accusations which make up the greater part of the remainder of the manifesto, respecting the detention or capture of merchant ships, or the violations of territory there mentioned, it is sufficient to reply, that in every case of such a nature, which has been brought to the knowledge of the British government, the most effectual measures have been instantly taken for instituting inquiry into the particulars of the transaction, for collecting the proofs necessary to ascertain the fact on which the charge is founded, and for submitting the whole to that regular course of proceeding, in which justice is to be rendered in these cases, according to the established practice throughout Europe, and to the express stipulations of the treaties between Great Britain and Spain.

Amidst the wide and complicated operations of a naval war, extended over every quarter of the globe, it is not improbable that some disorders and irregularities may have taken place, which the utmost vigilance of the government could not immediately discover or repress; and that in the exercise of the undoubted right of a power at war, to search out and to seize the property of the enemy, the rights of neutral nations may, in some instances, have been unintentionally exposed to temporary molestation. The same observation was not less applicable to Spain in her war with France; and the short interval that has elapsed, since her declaration against Great Britain, has amply shown that similar complaints will arise from her conduct in the present war.

The utmost that can be demanded, in such cases, of a power at war is, that it should show itself ready on all occasions to listen to the remonstrances and reclamations of those whom it may have aggrieved, and prompt and expeditious in redressing their injuries, and in restoring their property: and to the readiness of the British government to fulfil these duties in every case, where they have been called upon to do so, even Spain herself may safely be called to bear witness; nor would it be easy to cite a more striking proof of the friendly disposition of the king's government, and of the particular attention manifested towards the rights and interests of Spain, than arises from an impartial examination of the detail of what has passed on this subject; it will be found, that the causes of complaints whether well or ill-founded, which have been brought forward, are much fewer than ever have occurred within the same period in former times; and the court of Spain, when called upon to specify particulars on this head, is obliged to have recourse to an allegation of the depredations of Corsican privateers.

There remains but one ground upon which the court of Spain pretends to account to the world, for the rash and perfidious step which it has taken in declaring war against England, and to excuse to all Europe the calamities which cannot fail to result from such a measure: the supposed decree of arrest, asserted to have been issued against the Spanish ambassador at the court of London. The fact to

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which this relates, must have been grossly mistaken before it could be made to appear, even in the eyes of Spain, a fit motive for the slightest representation or complaint, much more a justifiable cause of war between the two kingdoms.

By the stress which is laid upon this transaction, who is there that would not be led to imagine, that the law suit, commenced against the Spanish ambassador, was attended with some peculiar circumstances of personal indignity; that the insult was intentional, and originated with the British government, or that on being apprized of the offence, the court of London had shown some unwillingness or delay in proceeding to the prosecution of the parties concerned in it?

Who but would be astonished to learn, that the process itself was no more than a simple citation to answer at law for a debt demanded; that the suing this process was the mistaken act of an individual, who was immediately disavowed by the government, and ordered to be prosecuted for his conduct; and who made (but made in vain) repeated and submissive applications to the Spanish ambassador for forgiveness and interference on his behalf? that cases of the same nature have frequently arisen in England, from the ignorance of individuals, and from the ready appeal to the laws, which the happy constitution of the country admits and authorizes, without the previous intervention or knowledge of any branch of the executive government; and that in all similar cases, and particularly in one which had occurred only a few weeks before, precisely the same measures have been pursued by the government to vindicate the privileges of foreign ministers and have uniformly, and without exception, been accepted as completely adequate to that object, and satisfactory to the dignity and honour of the sovereign whom the case concerned.

Such then are the frivolous motives and pretended wrongs which Spain has chosen to assign as the justification of her declaration of war against Great Britain; such are the topics of complaint upon which his majesty has repeatedly offered the most unequivocal explanation, upon which he has long and earnestly endeavoured to persuade the court of Madrid, to enter into a full and amicable discussion, for the purpose of averting from his own subjects, from those of his Catholic Majesty, and from Europe, the extremities of war.

When upon grounds of such a nature, and with the offer of negotiation repeatedly presented to its choice, a power has wilfully and wantonly chosen a war, in which its prosperity, its happiness, and its safety, are hazarded and in which it will have as much to fear from the success of its allies, as from that of its enemies, it surely is not too much to presume, that, even in its own eyes, that power is not justified for the proceeding which it adopted; and that there must be some unassigned motive of irresistible necessity, which induces it to pursue measures alike inconsistent with its interest, and with its honour.

It will be plain to all posterity, it is now notorious to Europe, that neither to the genuine wishes, nor even to the mistaken policy of Spain, her present conduct is to be attributed: that not from enmity towards Great Britain, not from any resentment of past, or apprehension of future injuries, but from a blind subserviency to the views of his majesty's enemies, from the dominion usurped over her councils and actions by her new allies, she has been compelled to act in a quarrel, and, for interests not her own, to take up arms against one of those powers, in whose cause she had professed to feel the strongest interest, and even to menace with hostility another, against whom no cause of complaint is pretended, except its honourable and faithful adherence to its engagements.

Under these circumstances, his majesty forbears to enumerate the several grounds of just complaint, which he has had occasion on his part to prefer to the court of Madrid, since the conclusion of the peace between France and Spain; the many and gross instances of unjust partiality towards his enemies, of undue protection afforded to their ships, and of injuries committed, and allowed to be committed, on those of his majesty and his subjects.

Confident of having acquitted himself to the world of any share in originating the present war, he finds, in the manifest and unprovoked agression of the enemy, a sufficient cause for calling forth the resources of his kingdoms and the spirit of his subjects, and he commits to the Divine Providence the issue of a contest, which it was to the last moment his earnest endeavour to avoid, and which he now ardently desires to bring to a speedy and honourable termination.

Address on the King's Message respecting the Declaration of War by Spain.] The House took into consideration his Majesty's Message, and, on the motion of Mr. Secretary Dundas, it was resolved *nem. con*, "That an humble Address be presented to his majesty, to return his majesty the thanks of this House for his most gracious communication: To express to his majesty the concern which this House feels, in common with his majesty, at finding that his majesty's endeavours to preserve peace with Spain, and to adjust all matters in discussion with that country, by an amicable negotiation, have been rendered ineffectual by an abrupt and unprovoked declaration of war on the part of the catholic king: To assure his majesty, that, while we cannot but concur with him in lamenting that such

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an addition should be made to the calamities of war, already extending over so great a part of Europe, we share at the same time in the satisfaction which his majesty feels in reflecting, that nothing has been omitted on his part, which could contribute to the maintenance of peace, on grounds consistent with the honour of his crown, and the interests of his dominions: And humbly to intreat his majesty, to place the most entire reliance upon the support of his faithful Commons on so important an occasion, and to be persuaded that no exertion shall be wanting, on our part, which can, under the protection of Divine Providence, enable his majesty effectually to repel this unprovoked aggression, and to afford to all Europe, an additional proof of the spirit and resources of the British nation."

A similar Address was agreed to by the Lords.

Debate on Mr. Fox's Motion of Censure on Ministers for advancing Money to the Emperor without the Consent of Parliament.] Dec. 13. Mr. *Fox* rose, in pursuance of the notice he had given, and said:—Notwithstanding, Sir, the importance of the subject of this evening's discussion, the apparent sense which the House entertains of its magnitude, from the general attendance which is given, the conversation which it has excited out of doors, and the decision which has been this day passed by a respectable public body* upon the measure to which it refers; notwithstanding, I say, all these considerations, I shall deliver the observations which I mean to make, by way of preface to the motion that I shall have the honour to propose, without trespassing for any length of time upon the patience of the House. And the reason is shortly this, that much of the argument has been anticipated in the debates to which the subject has already given rise. Besides, upon the fundamental point, the principle which the question involves, I shall think it more becoming in me as a British subject, and as a member of parliament, to assert rather than to argue, studious not to weaken the constitution, by stating as doubtful what it has recognized as one of its leading features. The grand principle to which I refer is, that this is a limited and not an absolute monarchy, and that it is the peculiar privilege of the House of Commons, not only to levy taxes and impose burdens upon the people, but to judge of the whole expenses of the state: as well of the mode in which they ought to be applied, as of the manner in which they ought to be raised. I trust that this general principle is so universally acknowledged, that I shall not be called upon to come forward in its defence. I trust that in these times, and in this House, I shall not hear it contended, that the disposal of the public money is a secret which ought not to be entrusted to a public assembly, but that one or a few individuals are more competent to direct the pecuniary concerns of the British nation than a British House of Commons. That an absolute government may be attended with some advantages which the government of a free state does not possess, I am ready to allow. But were I called upon to argue the question (which I think is entirely foreign to the subject of this night's discussion), laying aside all the blessings of liberty, and laying aside all the energy of character which it is so eminently calculated to produce, I think I should have no difficulty in proving, that, merely for the sake of external relations and for the purpose of carrying on wars, even upon this narrow ground, setting out of view all the collateral advantages of freedom, there is enough, *cæteris paribus*, to turn the scale in favour of a free constitution. This, however, is a question which I hope I am as little called upon by the sentiments of the House as by the subject now before us to discuss. I hope and trust that the principle of freedom is recognized as a principle of the constitution, and that, as a constitutional principle, it is received as just, politic, and wise. I presume, however, it will be contended, that though the principle be established, it is not invariable; that though it generally obtains in the management of the affairs of government, still it is liable to some exceptions. I certainly am not disposed to deny that it has been the practice of the House, and of the constitution sometimes to deviate from the precise line of conduct which this principle prescribes.

It may be argued, and I do not contravene the fact, that, from the nature of our continental connexions, and at a period when our arms are employed in foreign service, it is impossible precisely to state by estimate the amount of the

* The Common Hall of the city of London.

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expense of any separate measure, or of any particular line of operation. And hence it may be truly inferred, that extraordinaries have become necessary to be voted, to cover the expenses exceeding the estimates which parliament has voted; and that even these being found insufficient to provide for incidental emergencies, it has been usual to pass a vote of credit to the minister, to be applied according to his discretion, to such unforeseen conjunctures as may arise. In either of the cases, however, it cannot be said, that the money is either levied or applied wholly without the consent of parliament, since, in the one case it voted the service and only mistook the estimate, and in the other, it voted the money, confiding in ministers for the wisdom of the application. And it must be remembered, that these are exceptions from the principle, not the act of the constitution; that they are necessary evils which can never be extended beyond the necessity in which they originate, without some degree of criminality in the persons who multiply them. It is not very pleasant to quote a passage from the writings of an author even in his absence, but much less when he is present, particularly when he has not an opportunity of explaining his own sentiments. My respect for the author, in the present instance, however, is such, and the sentiments which he has expressed in the work to which I refer, seem to me to be so forcible and just, that I feel I should be doing injustice to my argument were I to refrain from quoting them. Most gentlemen, I believe, will have gone before me in supposing that I refer to a work, intituled, "Precedents of the House of Commons;" by a very respectable gentleman, Mr. Hatsell, one of the clerks of this House. The following is the passage to which I wish to call the attention of the House:

"Notwithstanding every precaution which can be taken to confine the expenses of the different services within those sums, which after consideration of the estimate laid before them, appear to the House of Commons to be fully sufficient, we learn from fatal experience, that this has been found to be impossible. In all the different services, the navy, the army, and the ordnance, there has always been an exceeding, or debt contracted upon each, which has been brought before parliament in a subsequent session, under the title of navy debt, or of extraordinaries incurred and not provided for. Formerly these exceedings were confined within some limits, as appears from the accounts entered in the journals during the war of the succession, and even in the war which terminated in 1748. In what is commonly called the German war, in 1758, these sums first became very large: but in the late war carried on in America, they exceeded all bounds. There was a degree of negligence, or extravagance, or both, in those who had the conduct of this department, which rendered all the votes of the House of Commons, or bills for appropriating the supplies, ridiculous and nugatory. The sums demanded upon the head of extraordinaries of the army, incurred, and not provided for during this period, fall not very much short of the whole sums voted by parliament, upon estimate, for that service." Sir, Mr. Hatsell afterwards proceeds to speak of the transactions of the year 1734: "The general and unlimited power which was given by the resolution of the 3rd of April, 1734, to the ministers to apply, out of the aids of the year, such sums as the exigency of public affairs might require, was a measure entirely subversive of those rules and restrictive forms of parliament, which the House of Commons have imposed upon themselves in the mode of granting supplies, and was contrary to the practice, which had been wisely established since the Revolution, of appropriating the supplies to the services for which they had been voted. We see, therefore, that this proceeding did not pass without much difficulty and debate, and that soon after, another, and so far as it is limited, a better mode was adopted, which, though it gave the ministers credit for the manner of disposing of the money voted, confined that credit to a precise and special sum. This deviation, in times of war, from the usual form of parliament, can only be justified from the impossibility of stating, in an estimate, those demands which the unforeseen exigencies of extensive and uncertain operations may require; it is therefore incumbent on the House of Commons, not only to make this supply of credit as small as possible, but in a subsequent session to inquire into the particular expenditure of the sum granted, and to be assured that it is strictly applied to those purposes for which it was intended, and not squandered improvidently, wantonly, or, perhaps, corruptly."

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Having laid down this principle, then, and admitted the exception, I hope I shall not be accused of pursuing an argument which would operate as an objection to all extraordinaries. All I contend is this, that they are an evil, but an evil which may sometimes be unavoidable, or in other words, that they are a mischievous exception to the principle of the constitution. The measure now before the House involves two questions: in the first place, Whether it was an expense fit to be incurred; and, secondly, Ought it to have been incurred in the mode in which it actually has been incurred, or to have been previously submitted to the decision of parliament? On the first question, I shall not enter into any discussion. And, after I have guarded the House against considering it as my opinion, I shall suppose on this day, that it was an expense proper to be incurred. With this caveat, then, let it be taken for granted, for the sake of argument, that it was a wise and prudent measure to remit 1,200,000*l.* to the Emperor; yet we have still this important question to decide—Ought the sum to have been issued in the manner in which it was issued? In the first place, it was not an expense respecting the extent of which we could have been uncertain. Had the remittances been numerous, and the services for which they were destined been of a very complicated nature, it might have been difficult to ascertain with precision the amount of the sum to be granted, but there could be no difficulty in determining the sum which it was proper for this country to grant either to the Emperor or the prince of Condé. I would beg to be informed why, after the country had been in the practice, year after year, of maintaining emigrant corps, when it was in meditation to send supplies to the army of the prince of Condé, the intention was not communicated to parliament? Or why a precise estimate, which might have been very easily formed of that head of expense, was not submitted to the House along with the other estimates for the year? In the present case, to rank the expense in the class of extraordinaries, was in good truth to go the length of rendering extraordinaries absurd and ridiculous, and all the laws of appropriation nugatory and void. To apply the vote of credit to defraying this expense, was as strange and unconstitutional. When gentlemen are informed, that so early as December 1795, 200,000*l.* were issued to supply the army of the prince of Condé, upon what vote of credit will they naturally suppose the money to have been raised? It must be considered as an unforeseen expense, else it ought not to have been placed to the account of the vote of credit. From what vote of credit, then, is it natural to suppose that an unforeseen expense occurring in December 1795, should be defrayed? One would certainly suppose from the vote of credit for 1795, No such thing. It was defrayed from the vote of credit for 1796. What, then, was the conduct of the right hon. gentleman? In February 1796, he came down to the House, and said, "After all the taxes which I have levied, and all the burdens which I have imposed upon the country, and grievously the people will, no doubt, feel them, they are not sufficient to answer all the exigencies of the state, and I must have credit for two millions and a half more to meet the occurrences of unforeseen services;" not, you will observe, to supply the deficiencies of former estimates, but to be applied expressly for the purpose of answering unexpected, but possible demands. But what does the right hon. gentleman do? The first use he makes of the vote of credit is to pay a remittance of 200,000*l.* to the prince of Condé's army in December 1796, and of which parliament knew nothing. By way of illustration, I shall suppose that a gentleman was leaving his house in town to go to the country, or his house in the country to come to town, and that he called his steward, and gave him a sum of money for the purpose of paying the servants their wages when they became due, and of paying the taxes when they were called for. The steward, we shall suppose, might say, "Sir, all this is very proper, but on an establishment so extensive as yours, many expenses in repairs, charities, &c. may occur for which I am not provided." Well, in consequence of this representation the gentleman gives him 200*l.* or 300*l.* more. But what would he think of his steward, if, instead of keeping this 200*l.* or 300*l.* in reserve for unforeseen exigencies, he applied the sum to the payment of debts which he had formerly contracted, and of which he kept his master ignorant? Not to use any coarser language, he would certainly consider him as a steward who was no longer worthy to be trusted. The analogy holds good in the conduct of the right hon. gentleman

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in applying the vote of credit for defraying expenses formerly incurred, and which he kept secret from parliament.

This, Sir, is something, but it is not all. There were some suspicious circumstances in the time and manner in which the vote of credit was applied for. My hon. friend (Mr. Grey), who apprehended something incorrect, I remember well, was accused of being extremely suspicious, though his suspicions were certainly very far from coming near to the reality, if that could be called suspicion, which formerly, in parliamentary language, would have been termed a watchful jealousy of the conduct of administration. It was matter of surprise to my hon. friend, as well as to myself, that application should be made for a vote of credit at so early a period of the year; and admitting that it could be applied retrospectively, it was certainly not too much to expect that in the disposition paper which was produced in April, some account would have been given of the application of a sum which had actually been employed to cover an expense incurred in the preceding year. No such account, however, was given in that paper. Now, Sir, I ask, what was this but a direct fraud upon the public? Supposing, for argument's sake, that there was a difference between the money sent to the army of the Prince of Condé and the sums sent to the Emperor; though there certainly was no material difference, for it signified little whether we supplied an army which the House of Austria must otherwise have paid and supported, or whether we sent money to the House of Austria to enable it to pay and support that army. I wish gentlemen to attend a little to the debates of the last session, and to the subjects of public discussion. They will recollect that there were several circumstances connected with the loan which attracted attention. There is one circumstance which it is material to recollect; the terms upon which it was raised gave occasion to a good deal of discussion, and they were justified upon several grounds, one of which was, that we were not to consider it merely as a loan; that a quantity of navy debt was to be funded, and that there might be wanted a loan of three millions for the Emperor. From this I certainly inferred, that if a loan was to be given to his imperial majesty, the House of Commons would be consulted, both respecting its propriety and extent; that ministers never would have taken it upon them to grant pecuniary succours to any foreign power without the consent of parliament; that those who were averse to the measure would have an opportunity of publicly opposing it; and if it was carried, that at least it would not be adopted till it had assumed a legal and constitutional shape. I heard it also rumoured, upon what I considered to be very good authority at the time, that there were some people connected with the bank who had stated the danger of sending so much specie out of the kingdom; and that there were many gentlemen who were acquainted with the financial state of the country who would have opposed such a step, not upon political grounds, but upon their knowledge of the state of public credit. In the course of the session questions were put to the right honourable gentleman several times upon the subject. The answers were not very decisive, but they led me to conclude, that if the measure was in contemplation, the House of Commons would certainly be consulted upon it, before it was finally adopted. Parliament was not consulted, and the period arrives when we find that money actually was sent to Germany.

And here, Sir, for the sake of argument, I shall also admit that it was expedient, that it was wise, that it was necessary to send money to the Emperor, that it was necessary for the salvation of Germany, and that the salvation of Germany was necessary to that of Great Britain. This necessity, then, arose during the recess, and if they considered it as so imperiously urgent as not to admit of the delay of calling parliament before the money was sent, why did they not assemble parliament to inform the public of what had been done, and to petition for a bill of indemnity? Perhaps they will say, that that might be done as well at the usual period of the meeting of parliament; that after the money was granted, it was unnecessary to assemble them for the purpose of informing them of a measure already adopted; that when they sent the first remittance they had no idea of sending a second; and that when the second was sent, they did not conceive that a third would be necessary; and so on. Well: the 27th of September arrived, when the king had summoned parliament to meet. One would have thought, that now their own time was come, that

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they would have condescended so far as to communicate the secret. But no such communication is made! Now, Sir, I ask how ministers, when parliament was sitting, could presume, clandestinely, to send money to the Emperor without either informing or consulting the House of Commons upon the subject? I ask, if there be any possibility of answering the question to the satisfaction of the House of Commons of Great Britain, if they are not resolved tamely and pusillanimously to surrender the most sacred and important privilege that has been conferred upon them by the constitution? I trust that I shall not hear the argument which was employed in a former debate restated on this evening; that secrecy was observed for the purpose of restoring the credit of the country. This is too flimsy an argument to impose upon even the most superficial thinker. To what motive, then, is the conduct of ministers to be ascribed? I can account for it upon only one of two grounds. The first and most natural, I confess, appears to be, that it was their intention to take advantage of the universal satisfaction which was occasioned throughout the country by the successes of the imperial arms, to establish a precedent against the constitution, by disposing of a sum of money in an unconstitutional mode upon a favourite object, and thus to set an example to future ministers to employ the public money as their judgments may direct, or their caprices dictate, without consulting the wisdom or acknowledging the authority of parliament. The only other ground on which they can attempt to justify their conduct is, that the ministers of the king are better judges than the House of Commons of the propriety, the extent, and the period for executing any public measure. The right hon. gentleman knew for certain whether it was proper or improper to grant pecuniary succours to the Emperor; he knew the specific sum which it was proper to send, and the precise period for remitting it: but, had the House of Commons been consulted, they would not have been proper judges; they would have been for sending either too much or too little; for sending either too hastily or too tardily. Such a defence, Sir, instead of extenuating, is an aggravation of the offence. I ask, if a British House of Commons will bear to be told by a minister, not only that he is a better judge than they are of the prerogatives of the crown, which he did with so much arrogance in 1784, but that he is the best judge also of the privileges of the people? If the case was difficult, why did he not come to the House of Commons for instruction? If the case was delicate, why did he not depend upon the wisdom of the House of Commons for direction? If Germany was to be saved by the money of the people of Great Britain, why were not the House of Commons the saviours? I ask him, whether he believes that the House of Commons would have sanctioned a loan to the Emperor, or that they would not? If he thought that they would, why did he not apply to them? If he conceived that they would not, why did he dare, not only to usurp their authority, but to trample upon their privileges; to dispose of the money of the nation, not only without the consent, but in direct contradiction to the will of parliament? It is pretty well known that I have no great opinion of the public spirit of the last parliament; and I do believe, that after what they did to extend the influence of the crown, and to infringe upon the liberties of the people; after their persevering support of a war, as disastrous in its consequences as it was unjust in its origin; after their blind and obstinate confidence in ministers, by whom they were deceived and misled, and after the grievous and intolerable burthens which they imposed upon the people; I do believe, I say, that the influence of the crown would have carried even this question. I am persuaded, however, it would have been attended with more than ordinary difficulty, and that parliament would at least have hesitated before they gave their assent.

But, will the right hon. gentleman pretend to say, that he was not aware during the last parliament, that there would be any necessity for the measure? I ask him, when he considers the debt as having been contracted? whether, when the bills were drawn, or when the money was issued? If he considers the debt as contracted when the money was issued, the Emperor might have received it all, excepting about 77,000*l.* as soon, had parliament been consulted, as he did when the money was sent without their concurrence. But, upon the other supposition, which is the more favourable of the two for the right hon. gentleman, that the debt was contracted when the bills

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were drawn, and that it was necessary that the bills should be drawn during the recess; was I, says the right hon. gentleman, to take the sense of parliament upon the payment of a bill after permitting it to be drawn? I answer, that he must still take the sense of parliament, when the question comes to be put upon the payment of the extraordinaries of the army; and that it is then in the power of the House of Commons, if not to stop the payment of that specific sum to the Emperor of Germany, to refuse to cover the deficiency which it has occasioned in the estimated service. One of the bills I find to have been dated on the 20th of May, and, if I recollect right, the House was prorogued on the 19th. Now, I ask, did he not know, on the 19th, that this bill was to be drawn on the 20th? And if he did, which it was impossible but he must have done, I ask, when it was his intention to send money to the Emperor, why he concealed it? When he found that it would be necessary to call upon the country for pecuniary aid to the House of Austria, why did he not inform the public of the additional burthen which they would be called upon to sustain? When he was compelled to have recourse to the House of Commons for support, why did he not ask that support in a constitutional manner? Supposing even for a moment, that the urgency of the crisis was such as to render it necessary to draw the bills during the recess, why did he not submit the matter to the House of Commons as soon as they were assembled?

Without entering at all into the question of the propriety of granting these succours, a discussion which I wish on this evening entirely to avoid, I cannot help making an observation upon the relation in which we stand to the House of Austria in pecuniary matters. In 1795, this country guaranteed a loan to the Emperor of four millions and a half. There were many who doubted at the time the policy of the measure; and I recollect well that a noble lord urged in behalf of the good faith of his imperial majesty, that he had made good his first payment of the interest due upon the loan. I did not consider it as a very powerful argument at the time, because I knew that the money for the first payment of the interest was deducted from the capital; and I shall be still less surprised now to hear of his imperial majesty's punctuality in paying the interest upon that loan, after we have remitted him 1,200,000*l.* which is three or four times more than any sum of interest which he has to pay to this country. I do not state this as a reason why parliament should withhold succours from the Emperor, but I state it as an additional reason why ministers should be cautious of granting these succours without the sanction of parliament.

I have been often accused, Sir, of representing the constitution as in danger. Of these alarms I am willing to take all the shame, and to the crime, if it be any, I readily plead guilty. The oftener I think upon the subject, and the more experience I have of the conduct of ministers, the more I am convinced that my alarms are just, and my apprehensions well founded. Upon some measures which I have conceived to be dangerous to the constitution, I allow that there was room for difference of opinion. The question now before the House, however, is not, whether the attack is greater or less than those which have been formerly directed against the constitution. It is so bold and so daring, and so entirely subversive of the letter of the constitution, that if it meet the sanction of parliament, the question will be, not how far the constitution is injured, but whether or not we have any constitution at all? It is upon these grounds that I am induced to bring forward the motion which I am about to propose. When it has been thought necessary to add new and extraordinary powers to the crown, to accumulate new descriptions of treason, to inflict cruel, barbarous, and unheard-of punishments; in fact, to institute something approaching to a military government, whether these innovations have been necessary or not, I think they are of such a magnitude as to have justified some degree of alarm. But if, in addition to all these new and extraordinary circumstances, there is to be added a direct attack upon the privileges of this House, and the sum of 1,200,000*l.* is to be disposed of by the minister, not only in augmentation of expenses approved of by parliament, but without obtaining the consent of, or so much as acknowledging, parliament, I should be glad to know where there is the smallest safeguard of the constitution left, or what security we can have against the future encroachments, either of a minister, or of a prince, who may be disposed to make

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them? I am sure the right hon. gentleman cannot twist any provision in the vote of credit bill, so as to afford him the smallest pretence for making the application of it which he has done, and the expense can with less propriety be introduced among the extraordinaries of the army, since it might have been previously voted upon estimate. In both cases, whether the money has been paid from the vote of credit, or under the head of army extraordinaries, the right hon. gentleman has been equally culpable: in the one case, he has been guilty of a breach of trust, and in both he has acted directly contrary to the principles of the constitution. I move, Sir, that the act founded on the vote of credit may be read. [The act being read, Mr. Fox continued.] Some persons think, that in order to repair the breach of the constitution, a bill of indemnity ought to be passed: for my own part, I am not of such an opinion. I think there is no alleviating circumstance in any part of the conduct of ministers, to entitle them to such indulgence. When the subject was under discussion on a former evening, the right hon. gentleman, instead of soliciting pardon, came forward with a vindication of his conduct, and challenged the House if they dared to find fault with it. I think, therefore, that an act of indemnity would be improper, because the circumstances have been even a greater outrage upon the constitution (if a greater be possible) than the principle itself. I cannot conceive any more proper mode of acting, than for the House to express a plain intelligible opinion upon the measure. I know not what is their opinion, nor do I know the opinion of the public upon it; but this I do know, that he must be sanguine indeed who can hope that the constitution can long survive such an attack, if the authors of it are suffered to pass without any mark of reprehension. Mr. Fox concluded with moving, "That his majesty's ministers, having authorized and directed, at different times, without the consent, and during the sitting of parliament, the issue of various sums of money for the service of his Imperial Majesty, and also for the service of the army under the prince of Condé, have acted contrary to their duty, and to the trust reposed in them, and have thereby violated the constitutional privileges of this House,"

Mr. Alderman *Combe* said, that in obedience to the instructions of his constituents, who had met that day in the Common Hall of the city of London; and had desired their representatives to censure the conduct of ministers, in giving away the public money without the consent of parliament, he seconded the motion. It was with peculiar satisfaction he now obeyed their voice, as his own sentiments entirely agreed with theirs. After what had been advanced by his right hon. friend, he would not say a word upon the subject in a constitutional point of view. As the representative of the first commercial city in the world, he was well acquainted with the mischief produced by the money sent to the Emperor. The discounting of the bills drawn for the purpose of remitting money to the imperial troops, had swallowed up so much of the money of the bank, as to compel that great body to narrow their discounts, and the British merchants were made to suffer, that the German troops might be supplied. The remittances of the allied armies on the continent had, in fact, been a great cause of the alarming scarcity of money last year, and of most of the embarrassments which had been experienced in the commercial world.

Mr. *Pitt* rose and said:—Sir, when I consider the nature of the motion which is this day brought forward against his majesty's ministers, and the serious charge which it involves, I must regard myself as particularly implicated in that charge. I have, however, in the discussion of this question every thing to expect from the candour and justice of the House. An imputation of a most serious kind has been advanced against ministers, but it is necessary that all which may be offered on both sides should be fairly heard, before any decision can take place. It is requisite that gentlemen should be in full possession of every fact that can be adduced, before they hasten to a conclusion which necessarily involves in it matter of such weight and magnitude. The House should clearly know the general principles on which it is to decide: it should know the grounds on which the theory of this part of the constitution is erected: it should also know, what the particular instances are, in point of practice, that militate in a certain degree against the general principles. I say, Sir, when these considerations are once known, it will then be incumbent on the House to decide. But I trust it will not be denied, that

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until these points are completely and satisfactorily ascertained, the House ought, with every view to propriety, to suspend its determination. It is no small object of satisfaction to me, that the full review of former precedents with respect to the present motion, forms a chief ground of it. In such an application of facts, I have considerable reason to be pleased, and I trust I shall clearly demonstrate before I sit down, that former precedents concur in justifying the measure which is at this moment so severely condemned.

I am, however, not a little surprised to hear the language made use of by the hon. magistrate, who has declared that he has received instructions from his constituents to join in a vote of censure against his majesty's ministers, for having supplied the Emperor with money without the authority of parliament. There is, perhaps, not any question on which a member ought to allow the decided dictates of his own conscience and judgment to be superseded by the instructions of his constituents; but if there is any case in which a member ought to be particularly anxious to preserve his right of private judgment, it is in the present instance, with respect to a criminal charge: for I think it must be admitted, that it was impossible for the hon. gentleman's constituents to decide in a just and candid manner, on the propriety of giving a vote on a motion, with the particulars of which they must have been unacquainted, and more peculiarly as they must have been totally ignorant of the defence which his majesty's ministers meant to set up. I have, Sir, to caution the House against those constitutional doctrines which have been maintained in former debates, and particularly on Thursday night last. But without entering into a minute refutation of them, I cannot help observing, that much is saved for my purpose by the concessions which the right hon. gentleman himself has made. I certainly do not wish to goad the right hon. gentleman into the former opinions he has at different times maintained: I am better content to take his present statements: I am better content with what I have heard from him to-day, and with those general principles which have fallen from him in support of his motion. For as, on a former occasion, when the present subject was first started, the interval of one night made him see the measure more inflammatory than it really is; it now appears that a pause of a few days has diminished his ideas of the inflammatory tendency which, in his own opinion, it possessed. The right hon. gentleman has taken great pains to lay down the great constitutional principles with regard to pecuniary grants, and the use of these grants. On a former night, he told us one thing, to which he said there was no exception, namely, that no expense could be incurred without the consent of parliament. I did not altogether subscribe to that doctrine, and I will state, as nearly as possible, the very words of the argument I then used in answer. I argued, that the practice of extraordinaries had been adopted at different periods of the history of the country, at periods the most approved in the history of the country, at least at periods which the hon. gentleman must naturally think the most approved—when he was himself in the administration. Extraordinaries to a large amount, were used during the sitting of parliament, and parliament afterwards justified the act by a vote. The right hon. gentleman did then admit, that he never could be supposed to have said that extraordinaries could not be used without the consent of parliament, previously obtained; but when ministers have now adopted the same measure, the propriety of which he said, he could not be supposed to deny, yet such is his alarm, that he cannot feel himself justified in pausing a moment on the necessity of the actual condemnation of ministers.

However, Sir, it is enough for my purpose to admit, that, according to the fundamental principles of the constitution, all grants must proceed from the Commons; that they are afterwards subject to their control, is a principle undeniable: but although the Commons are possessed of the power of controlling the application of the supplies raised by them, yet it is a circumstance proved to demonstration, by practice and general observation, that it would be impossible to carry on any wars, that it would be impossible for government to proceed with due regard for the public safety, or with advantage for the public service, if extraordinaries were not raised by parliament. In point of practice, it is evident they have been raised. Those great writers, who have written on the subject subsequent to the Revolution, prove that extraordinaries have always been used from that period. I desire to refer to the practice of the whole of the succession of administrations, from the days of king William down to

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the present time, when the principles of the constitution are become infinitely more definite, and when, owing to ambition on the part of France, public expenses and the transactions of finance have attained a greater magnitude; and I ask, whether from that period down to the present, the practice of extraordinaries has not been recognized, and admitted? I do not mean of extraordinaries only, but of extraordinary services during the sitting of parliament. I do not state this, as if there was only one or two solitary precedents, but as the uniform practice of all the wars in which this country has been engaged; and that, during such wars, the extraordinaries have been precisely of the description I have stated. Sir, our constitution is one which rests on great and leading principles, but still no one would wish that the constitution should experience any injury by pushing those principles to a rigid and extreme excess. If we are to look into the record books of the constitution, we shall find certain principles laid down, which seem to contradict many acts of parliament, which are held as strictly legal. If we examine the law of parliament, we shall find, that it is derived principally from the general tenor of the whole of the principles of the constitution, illustrated by the particular urgency and necessity of circumstances. If this is the true way which men ought to study the constitution, by applying the principles of it to the exigency of circumstances, let me repeat what I stated on a former night, with respect to the impossibility of the measure being wrong, which was done in conformity to the best and most approved principles, as adapted to peculiar events: and let me also ask, how a measure can deserve to be loaded with obloquy and reproach, which in truth is no more than has been the practice of every administration, at those periods when we have been most proud of the constitution? I might remark, that the right hon. gentleman, in the course of his speech, has admitted such to have been the practice, because he has himself acted upon it; yet I must admit that the hon. gentleman, when he stated that such was the practice, observed, that because extraordinaries were consonant to practice, it was no reason they should be extended so far, if it could possibly be avoided. The right hon. gentleman, if I understand him right, by that very mode of argument, of the extension of the extraordinaries being attended with so much the more mischief, does, in fact, admit the exception to the principle which he charges me with having violated, and, in short, destroys in effect the very principle he before admitted. He told us that every extraordinary service involved the breach of the pledge to satisfy former estimates, by removing the means of paying them to some other service. If his doctrines mean to infer that extraordinaries ought not to be unnecessarily extended, I cannot but perfectly coincide with him: but if his argument has for its object that of rendering all extraordinaries invidious, I hope, in such case, I may be allowed to guard the House against the effects of attending too much to topics opposed to the very same principles which he has before admitted. That extraordinaries are liable to the future observation and control of parliament, is true; but parliament has at all times felt, that it is necessary, for the public safety, that ministers should have the power of using extraordinaries, without appealing to parliament, provided that power, and the means by which these extraordinaries are incurred, are subject to future discussion.

But it is not the question of extraordinaries only that arises. Parliament finding the impossibility of reducing every thing to estimated expenses, has introduced the practice of giving votes of credit with the power, generally, to apply them as exigencies might require. As far as it has been possible to provide against extraordinaries which always hitherto has been impracticable, every endeavour has been exerted; but it is a circumstance in which parliament have certainly acted with great wisdom, that it has not thought proper at any time to interfere with respect to the amount of the sums which ministers might think necessary for supplying the extraordinaries, but merely to make ministers responsible for the application of the sums, and the necessity of the extraordinaries, to the payment of which they are directed. Before I say any more, I will only observe, that it is not likely I should be one to dispute the propriety of the measure of providing for the extraordinaries by the extent of the vote of credit, if such a thing could be adopted; I have often heard it made a matter of reproach to me, that I endeavoured to estimate every expense and provide for it beforehand. The votes of credit were always smaller in former

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wars than in the present. In the present war, I have added to the vote of credit other provisions for the purpose of providing for the extraordinaries beforehand; I may therefore be considered as having done all in my power towards endeavouring to take the previous authority of parliament. What then do I say, that there is no difference between a vote of credit and extraordinaries? As to the vote of credit, I conceive it to be a privilege granted to his majesty's ministers to employ a given sum to any such purpose as the exigency of affairs shall require. There is no circumstance, however unforeseen, there is no purpose, be it what it may, no possible event, to which ministers may not think it requisite that a vote of credit is applicable; no expenses upon sudden emergencies, which do not come within the spirit of a vote of credit, subject however to that principle which I shall state. Have I said that, because a vote of credit is applicable to every public service, there is no question of responsibility? Have I said there is no principle of respect, of attention, of deference to parliament? I trust I have neither denied, nor at any one moment of my life have failed to show by my conduct, that such responsibility does exist. I know that for every exercise of that discretion, regularly given by the act, founded upon the vote of credit, ministers are subject to the same responsibility as for the exercise of every other discretion, which permanently belongs to them as ministers of the crown, and which they are bound to use for the safety, the welfare, and the dignity of the country; a discretion the more important, as it relates to the disposition of the public money: and I trust parliament will not lose sight, that it is their duty to weigh those unforeseen difficulties on which alone government can use the powers with which it is entrusted.

But, Sir, I do not mean to stop here; I do not mean to say that government ought not to be questioned as to the propriety of the measures it may think proper to recur to. I have admitted its liability to be censured. I will admit, that if, at that time of using a vote of credit, ministers foresee any expenditure which appears likely to be of consequence, either with respect to its amount, or the importance or peculiarity of the subject, if it admits of a precise estimate, and if the subject is of such a nature that it can be divulged without injury or inconvenience to the public—should readily admit that that minister would fail in his duty to parliament, that he would not act according to the sound principles of what I believe to be the constitution of the country, if he were not to state the nature of the emergency, and endeavour to estimate the expense: but if, from the nature of the exigency, it should be impolitic to divulge it, in that case, I conceive the minister justified, who conceals it from parliament till a future season. By these principles, as to the general question, I am satisfied that my merits or demerits should be tried; if I have, in the opinion of the House, departed from the principles of the constitution, then I have committed an error in judgment: if through an error in judgment I have departed from the principles of the constitution, I admit that I ought to receive the censure of the House, notwithstanding that error proceeded from my having felt it my irresistible duty, in common with the rest of his majesty's ministers, to act upon principles which I conceived the best calculated to ensure the prosperity and advantage of the country. Let me not be supposed to admit, what the right hon. gentleman seems to assume as an instance of candour, namely, that he reserved the question, whether any degree of importance, which might attach to the subject, could possibly be considered an argument for concealing it, or that its importance could make any difference with regard to the estimate of its expense. Of the principle itself, it is not material to say more; but with respect to what the right hon. gentleman has stated, I will make this observation. He has said that extraordinaries are admitted on account of indispensable necessity, and that those extraordinaries are such a mischief, that he almost doubts whether they should be suffered at all. I will admit that expense, be it what it will, is indubitably objectionable, and that if the expense arises to a considerable sum, the objection is still stronger; but the greater the expense, the higher is the advance on the responsibility of ministers, and the greater is the inducement for this House to vote to discharge those expenses. The only case has occurred which was in contemplation. If it should appear to the House, that, in consequence of an unforeseen change of circumstances, the necessity of expenditure was increased; if it should appear that the only opportunity had arrived, in

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which there was no alternative but that of relinquishing the cause in which the country was engaged, or of advancing the responsibility of ministers; if, I say, this should appear, is it a mark of candour in the right hon. gentleman to desire that the urgency only should be put out of the question?

Why then, Sir, as to the utility of the advance to the Emperor, whether it could have been made in a more proper form; whether, by a previous application to parliament, it would not have been attended with a greater degree of inconvenience; whether the advance was not made at a time the most critical that could possibly have occurred—these are questions which I shall shortly proceed to discuss. But. assuming for the present, that there was a difficulty about the mode of doing it, what mode under similar circumstances would have been more eligible? In this way it has been tried, and has succeeded; by previously applying to parliament, it is doubtful whether it would have succeeded or not. I entreat gentlemen to recollect the situation of the Emperor on the continent; the situation of this country with respect to the prosecution of the war, or of its termination by a safe and honourable peace: I request them to look back to July or August last; a period when we saw with regret and apprehension the triumphant arms of the French Republic at the gates of Munich, and the territorial possessions of the belligerent powers in danger of being wrested from them. When they look back to this period, let them at the same time contemplate the slow, firm, measured, and magnanimous retreat of the gallant Austrian army, and the consequences which followed from a retreat only calculated to insure the success of their future operations. Will they then ask themselves, dry as the question may be, when so animated a subject is presented to the mind, how far the assurance of the aid which this country was disposed to grant, may have invigorated the spirit of a country making its utmost efforts to resist an invading foe, how far it may have given confidence to their resources, and enabled them to prosecute that line of operations which has been attended with such distinguished success? With these considerations in his view, is there any man who can regard as a matter of consequence, whether the expense of 900,000*l.* or 1,200,000*l* has been incurred to the country? Is there any man who can question the propriety of the sum allotted for the object, and would be willing, for the sake of so paltry a saving, to give up our share in promoting a service, which has terminated so honourably for the character of our allies, and so beneficially for the general interests of Europe? Who would not rejoice that he was admitted into partnership so illustrious, and accompanied with such brilliant success?

——————Me credite Lesbon,
Me Tenedon, Chrysenque, & Cyllan Apollinis urbes,
Et Scyron cepisse. Meâ concussa putate
Procubuisse solo Lyrnessia mœnia dextrâ.

We have besides to consider, that whatever in this instance has been given, has only been lent to a power whom we have no reason to distrust. Even if a sum had been given to a much larger amount, it would surely have been amply repaid by the success which has attended the exertions of our allies, and the important advantages which have been gained to the common cause. In the course of discussion on the subject, frequent mention has been made of the opinion of the public. The public are not so dead or so insensible as either to be ignorant of the advantages which have been obtained, or ungrateful towards those to whose gallant exertions they are indebted on the present occasion. There is not a man, even the meanest individual in the country, who will not feel himself more than repaid for the small quota which he will be required to bring forward in aid of the public service, by the important benefits which have been secured to the general interests of Europe. There is not, I will venture to say, an Englishman who does not feel the most ardent sympathy with the magnanimity, the resources, the spirit, and perseverance which have been displayed by Austria in her recent exertions, and who does not rejoice that the contributions of England have been brought forward in aid of operations which have been equally marked by their gallantry and success. I will not think so ill of the good sense of my countrymen, as to suppose that they can regret any trifling expense which has been the means of obtaining such signal advantages. The question alone is, whether there is any doubt of the exigence of the measure, whether there is any doubt of its necessity, and whether the service would have been

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performed by a previous statement to parliament.

Here, Sir, let me repeat what I have shortly stated on a former night. The House will recollect, that from the principles on which I conceive a government should act, it never could have been in my contemplation, or that of his majesty's ministers, under the vote of credit, to propose advancing the whole of the sum which turned out to be necessary for the Emperor. That it was not my intention, is proved by this circumstance, that at the very period of proposing the vote of credit, a reserve was expressly made for a loan to be specifically brought forward, and submitted to parliament, to a much larger amount than the vote of credit. What inference do I wish to draw from this? First of all, that it is a pretty clear and evident proof, that it in reality appeared, by the Austrians being so much in want, that his majesty's ministers had an impression of the necessity of assisting the Emperor. Could they have any motive to hold out a loan, if there was no such thing in agitation? What view could any government have in stating the necessity of an Austrian loan, if they did not see the occasion for one? When we asked for the vote of credit, it was plain we were not asking for a vote of credit for services unforeseen, but that we intended to apply it, as it has been applied. Gentlemen will recollect, that on the first loan of eighteen millions, it was stated as uncertain the precise time it will be called for; that the precise time depended on the result of an intercourse between his majesty and the Emperor, without which it was impossible to settle the extent of it. But it is true, I felt that in consequence of the extraordinary extent of the drain of money, some time would be necessary before the influx of trade would be such as to render a measure of that kind practicable in its execution or safe in its impression; for of all subjects, that which relates to credit, or the stagnation of money, the delicacy of which every man knows, is that in which it is necessary to be particularly circumspect. Now, how does this stand? I was sanguine that a much shorter interval would have diminished the scarcity. Afterwards, at a much later period, I found that it would be impossible to bring forward the loan. Under this impression, I did think it advisable to take the step I have taken, a short time previous to the end of last parliament. How far that can be fairly imputed to me as a crime, is a question I shall have occasion to discuss. However, this is the first principle of my defence, that when the campaign was advancing, so that the Emperor could not wait for any proof of the reality of his hopes of an increase of pecuniary supply, in conformity to what had been done before, and according to principles recognized by parliament, I thought it expedient, for the success of his arms, to send the means of repelling the enemy. The principal question is, whether this measure has deprived you of any thing you possessed? whether any disadvantage has been the consequence of it, so as to make our situation more embarrassed now than it would have been some months ago, by a loan taking place? I believe the situation of mercantile men, and the pecuniary state of the country, is more favourable now than they were at the periods when the several remittances to the Emperor were issued. This I state not merely on the suggestions of any particular member of this House, not merely in consequence of any discovered public opinion; but I state it on evident grounds of reason. Nor can I for a moment suppose that the members of this House, that the public will long suspend the delegation of their assent to a measure founded equally in the justice and expediency of the motives which gave it birth. But however this may be, I have on this occasion the satisfaction of knowing that I am not stating my own sentiments only, but also those of the persons who were the contractors for the last loan. The contractors for that loan themselves felt then, and have since communicated to me, the inconveniences that had resulted to commerce in general, from the immense, but necessary drains in the money market. They had felt that any specific proposition to guarantee a fresh loan to the emperor would have sensibly affected the money market: would have depreciated the funds, and depressed the public credit. Had I upon that occasion adopted the mode of a public loan: had I come to parliament, when parliament first sat to deliberate on public measures; had I, while the necessities of the empire and the dearest interests of Europe depended in some measure, the one for relief, the other for preservation, on the remittance of certain portions of that sum of 1,200,000*l.*—had I in that eventful crisis done any thing that might,

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in its ultimate consequences, increase the difficulties of that ally, endanger and risk the liberties of Europe, what, let me ask, would have been the language of the hon. gentleman, who has this night censured my conduct, and made it the subject of a specific motion? I repeat it: The persons best acquainted with the money market were, at the periods I have mentioned, deeply impressed with a sense of its growing embarrassment, and seriously felt the inconveniences necessarily concomitant to a state of warfare. They felt those inconveniences, but they more than felt the justice of the contest which had operated as the cause of them. In their opinion, the pecuniary situation of the country was such as would have rendered the public avowal of any loan to the Emperor extremely impolitic, and by an ill-timed discussion of its propriety, have produced those evils I have in part detailed. To them I submitted whether a public loan would be prudent in such circumstances, but they were unanimous in their preference of the adopted mode. A proof this, that I could have no intention to violate the constitution. That I had not hastily, and immaturely adopted the alternative; that I made those preliminary arrangements; that my inquiries on the subject were as general and earnest as I have this night avowed, is well known, not only to the individuals with whom I consulted, but also to my colleagues in the ministry. I appeal, without fear of being contradicted, I appeal to those in my confidence, whether such were or such were not my sentiments, whether such was or was not my conduct on that occasion? At this time the situation of the empire was also so peculiar, that his majesty's servants could not but have a strong and influencing sense of the impropriety of affording publicly the aid that situation so much required. The arms of the French republic were victorious in almost every quarter, the empire threatened with destruction, and Europe with ruin. This was, I own, the reverse of our once favourable hopes: from the exertions of that ally our expectations had been different; but could any temporary reverse of circumstances justify a measure that must have entailed on that ally a permanent mischief? Surely we, who had considered ourselves entitled to share in the good fortune of the arms of Austria, would not justly have separated our interests in her adversity. Surely that ally, of whose good faith and candour, of whose steady attachment to the principles of the alliance we had so many and such splendid proofs; that ally, who had almost singly resisted the destructive progress of an impetuous and enthusiastic enemy; yes, the house of Austria eminently merited our confidence and our esteem. But these were not enough. The empire was in actual danger; her treasury exhausted; and many of her princes forced to abandon her defence. It was in this conjuncture that his majesty's servants, faithful at least to their sense of the danger, afforded to Germany that assistance which I am proud to say had been in a great measure the means of saving not only that particular empire, but a vast portion of Europe. Actuated by these considerations, thus hurried by existing necessities, to adopt a particular measure, I flatter myself few who hear me will in the end fail to discover, that the act itself, even supposing it to be unconstitutional, could not be the result of a deliberate intention to violate acts of parliament.

The right hon. gentleman has supposed that the measure was now brought forward under cover of the glory of the Austrian successes; but I have to remind that hon. gentleman and the house, that the resolution of his majesty's ministers, to assist the Emperor, was taken not under the flattering phantom of delusive glory, not because the House of Austria was resuming, under the auspices of one of its illustrious members, its former spirit, and had regained its ardour; not because the French had been forced to abandon some places, and retreat from others, in the German dominions; but their resolution was taken when ministers felt that they had an opportunity of giving to the Emperor, Europe, and the country, the best pledge of their sincerity, of their attention to their interests, of their individual integrity, and collective force. The resolution was not taken without serious contemplation of the risk. It was not undertaken without maturely considering every relation, in which it could possibly connect itself with the constitution. It was not undertaken in defiance of law, nor made a solitary exception to all former usage. It was not undertaken to cripple our finances, nor had it, either prospectively, or retrospectively, any one thing in common with a deliberate insult to the

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House. But it was undertaken in a way, and upon an emergency, which warranted the measure. Even the measure was warranted by the former opinions of my adversaries; but especially by the then and present opinion of monied men. I shall perhaps be asked, what is the difference between a loan in the manner that loan was transacted, and a loan granted in the old and popular way? What the difference between a direct and avowed disbursement of the public money, and an indirect and concealed disbursement? The former I shall, perhaps, be told, must have decreased the pecuniary resources of the country equally with the latter; and have lessened, though in a secret manner, the general means of commercial security. But to this I cannot concede, because the reverse has been the fact. The fact has been, that by remitting money to the Emperor in that season of difficulty, of doubt, and danger, his majesty's ministers have rendered less doubtful the prospects of a safe and honourable peace. Had ministers, on that occasion, after being convinced themselves of the necessity and justice of such assistance, and during the recess of parliament, and delayed the adoption of the conduct they have pursued, instead of affording to the Emperor, the enemy, and Europe, a proof of superior wisdom and superior resources it would be a proof of the want of both, by giving the money publicly. By discussing the subject in parliament at the earliest period, if such a discussion could be entered into, not only public credit would have been injured, but you would have told the enemy that your difficulties obliged you to stint the acknowledged wants of your allies. To those who thought worse of our resources than I did, to the public mind in general, such a measure, in such a crisis, would, I know, have been a cause not of rejoicing, but of sorrow; not a source of pleasure, but of pain. Every man who wished well to his country, every man sincerely attached to the principles of the constitution, instead of approving of that assistance being afforded originally as a loan, would have said, No, do not commit yourself to your ally, so as to make your necessities a test of his. If, instead of endeavouring to poise and remove the difficulty as I have done, this House had so passed a public loan, such must have been the consequence. I am certain, that had parliament been acquainted with the danger of our ally, and had even determined to give the necessary assistance, the publicity of the measure would have defeated the object. So that, whether we had or had not been reduced to the alternative of refusing assistance altogether, the event must have produced collateral mischiefs. I may therefore, I think, ask, Ought you to yield to the pressure of temporary difficulty, and abandon your ally at a moment when such a step may be decisive of his fate? Ought you, on the other hand, completely to pledge yourselves to grant a pecuniary assistance which, in the first instance, may be attended with considerable inconvenience, and the influence of which, on the future course of events, you are unable to ascertain? Pledges, of aid, and of instant aid, his majesty's servants had certainly seen good reason to give to the Emperor. These pledges had been given long before the meeting of parliament, and might justly be considered as very eminently conducive to every measure and every success which has been since adopted and experienced. It is, I know, one among the grounds on which the right hon. gentleman has brought his accusation, that a part of the money was sent previously to the meeting of parliament, and another ground, that money has been been sent since its meeting. I own, the advance to the Emperor consists of sums sent since the meeting of the present parliament; but I do contend, that the pledges of these sums were the means by which the house of Austria endured adversity, and retrieved its prosperity. Had the Emperor, in July and August last, had no assurance of your assistance, I will not say we should have been at this moment a ruined people, but I will say, that the pecuniary security of England, and the territorial security of Austria, had been diminished, if not utterly destroyed.

On a former night, an hon. friend of mine used as an argument, the effect which he thought a public discussion of the measure would have to depreciate the credit of the country; and I own I have not yet heard any thing that could induce me to think differently on that subject. The effect of a knowledge of the pecuniary distresses of the Emperor, joined to the difficulty which a prompt supply would have produced, could not fail to bear with peculiarly embarrassing weight on the course of exchange. Whereas the transmission of the sum of 1,200,000*l.*,

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in different sums, and at different periods, tended greatly to relieve the Emperor, and preserve the credit of this country from that depression which the same sum, granted at once, and in the form of a public loan, would have occasioned. I need not, therefore, have enumerated the particular dates of those bills. Our assurance to Austria was not confined to the meeting of parliament, not subjected to the delays of several months of recess, but it was given with reference to every situasion of difficulty or danger in which the arms of the Emperor might be placed by their resistance to the arms of France. When the Austrian troops were retreating from their severe and glorious combat with the French republicans, they surely merited every assistance this country could afford them; but when, in the career of a brilliant series of the most splendid victories, those gallant men were urged by their emulation of the intrepidity of their invincible officers to acts of unparalleled prowess, his majesty's servants found themselves called upon, most particularly called upon, to aid and promote their views, to soften their calamities, and to afford them means of securing their important conquests. On the conviction of the propriety of these sentiments, and of such conduct, it was, that the king's ministers had acted. Of the number of those who had been guided by these sentiments, I, Sir, certainly was one, not the least active to provide, nor, I trust, the least vigilant to manage prudently, that pecuniary stimulus which, during the recess, and at other periods, was given to the arms of the empire. Our conduct, therefore, Sir, does not respect the months of October, of November, nor December, in particular, but it had a clear and unerring relation to every crisis and circumstance, to every moment of danger. In truth, the acts themselves were acts performed distinctly in compliance with solemn engagements; they were acts in execution of pledges which had been previously given. Acting during the recess from the conviction that these pledges were given by the letter and the spirit of the existing treaties, acting after the parliament was met, under the sanction of these treaties, with no intention then, and surely none now, of setting up their own judgments as the standard of, or superior to, the judgment of the House of Commons, ministers, I think, may be permitted to avail themselves of the exceptions of all similar treaties in favour of similar conduct. As to the transaction itself, no separation could fairly be made of the necessity which gave existence to the measure, and the motives which influenced its adoption. Even supposing the judgment of parliament could have been taken, the state of Germany was such as could not have left gentlemen one moment to their doubts whether or no it was proper to assist the Emperor. What ministers have done in pursuance of their pledge was, however, done in a great measure before parliament could have been assembled to consider its expediency. Of the nature and effect of the services performed by the Emperor, gentlemen may very readily judge. They have them recorded in the annals of very recent periods, annals the most brilliant, perhaps, in the history of the world. Thus, whether we judge of the services of Austria in whole, or only in part, I think gentlemen must concede to me that the services of the last three months have been at least such as merit our particular approbation. On this part of the subject I have, therefore, at present, scarcely any thing more to remark. I have, in the best manner I am able, stated to the House the circumstance of that situation which rendered it impossible for Austria to continue her warlike operations without assistance from this country. I have likewise endeavoured to render my own conceptions of the act of sending money to an ally without the previous consent of parliament. In addition to these, I have submitted to the House those principles, in the practical exertion of which I pursued that line of conduct now so much the subject of the animadversions of the right hon. gentleman.

With this species of defence, I might in some measure rest satisfied; but I should still be wanting in duty to myself, did I not, before I sat down this night, desire the House to keep in memory the principles I have thus stated, as being those on which I acted; if I did not desire the House to compare these principles with my conduct. As to the question of extraordinaries, I have heard the idea suggested, and something like an argument attempted to be deduced from it, that if its spirit be adhered to, no part of a vote of credit can be employed to pay foreign troops. I have heard too, that of such an application of the public money so voted, our annals scarcely afford

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any, and if any, not apposite precedents. Sir, I think I can instance a number of precedents of this kind; I can instance to this House, and for the information of the right hon. gentleman, that votes of credit were appropriated by our ancestors to the payment of foreign troops. In the reign immediately before the Revolution, this very thing had been done by the crown; but, Sir, in periods subsequent to the Revolution, in periods not the least favoured in our annals, in the reign of king William, during the year 1701, accompanied by circumstances of a singularly important and curious nature, the parliament voted an extra sum for the payment of foreign forces. This sum was voted not regularly as a vote of credit, but it succeeded the granting of a vote of credit, and was a measure which, although it occasioned some trifling opposition, was carried unanimously. In the reign of queen Anne, in the years 1704 and 1705, both subsidies and grants had been employed in paying foreign forces. This, too, was done without the authority of parliament. In 1706, a transaction more directly characteristic of this, for which the ministers of the present day are censured, was publicly avowed, and as publicly discussed; yet, it seems the right hon. gentleman had overlooked it. There is to be met with in the annals of the parliament of that day, an account of three different sums, each considered, by the opposition of that day, as, violations of the constitution—a remittance to the duke of Savoy, to the Emperor, and to Spain. A sum too had been paid in the same manner to the landgrave of Hesse, for a corps of his troops then in the pay of England. All these sums were not voted regularly after the specific propositions, submitted for that purpose to the House, but were remitted to those sovereigns without the previous consent of parliament. Not even estimates of the services for which the sums had been paid, were laid before the House till six weeks after its meeting. The sum sent to the Emperor was peculiarly distinguished—it had been transmitted, not at the close, not during the recess of that session in which it was first announced to parliament, but before the end of the preceding session. These proceedings did certainly attract notice. The House of Commons and the public had been addressed on the unconstitutionality of the measure; then, as now, there had been employed every effort which ingenuity could suggest; every vehicle of public communication rendered a vehicle of asperity and censure on the conduct of ministers. It became the subject of a solemn discussion—a discussion, apparently not less vehement than it was laboured and profuse.* But how, Sir, did the ministers of that day retire from the combat? Did they retire overwhelmed with the virulence and abuse, the censure of the discerning and temperate members of that parliament? Or were those their actions distinguished by the approbation of the Commons of Great Britain? Sir, the minister of that day had the satisfaction to see the attack of his adversaries repelled, and their expressions of censure changed to approbation. That minister, Sir, heard his conduct applauded, and the Journals of this House were made to bear record that the sense of its members was, that the sums advanced to the Emperor on that occasion had been productive not only of the preservation of the empire, but had also supported and maintained the interests of Europe. In the year 1718, in the beginning of the reign of George 1st, an instance of the application of the public money occurred, which, though not so analogous as the last, I think it right to mention. A message had been received from his majesty, soliciting the aid of the Commons to make such an augmentation of the actual forces of the country as might be deemed necessary to place it in a respectable state of defence; and that because there had been an appearance of an invasion—At this time his majesty takes Dutch troops into his pay, and the money voted to raise and maintain native troops is disbursed for the use of a foreign corps. It is true this body of Dutch troops were landed in England, and their services confined to it; but not even these affected much the application of the fact as a precedent. However, Sir, in the year 1734, a period nearer our own times, a general vote of credit was granted. That vote of credit was applied on such occasions, and for such purposes, as might, at any time during its existence, arise out of the exigencies of the time. On the 18th of February of the subsequent year, a vote of credit was also granted, and a treaty concluded with Denmark. And Sir, if I have not totally misconceived the passage of our parliamentary history where

* See Vol. 6, p. 551.

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these facts are stated, this last, as well as the vote of credit immediately preceding it, was applied to purposes in their nature not unlike those to which necessity impelled the ministers of the present day to apply the vote of 1796. I might also refer gentlemen to another instance of an advance to foreign troops. An advance to the duke of Aremberg, commander of the Austrian forces, in 1742, was noticed in debate, and censured in the administration of Mr. Pelham—a name this as dear to the friends of constitutional liberty as perhaps any that could be mentioned: but the inquiry was avoided by moving the previous question. It happened, however, that, not long after, the same question was made the subject of a specific discussion. It appeared that the advance had been made under the authority of an assurance expressed by lord Carteret, and not in consequence of any previous consent of parliament; but it appeared also that the progress of the Austrian troops was considerably accelerated by the influence of that aid, and their subsequent successes owing chiefly to it. The vote of censure, therefore, which had been founded on the act of lord Carteret, was amended, and the advance declared necessary to the salvation of the empire. But, Sir, let us compare the crisis of 1796 with that of 1787, when the expenses incurred by our endeavours to protect Holland were recognized under the head of secret services. This, too, was an unanimous recognition of the act which, had it been the offspring of 1796, the right hon. gentleman, influenced by his new opinions, would, I have no doubt, marked with his disapprobation; but so stood the fact then.

The right hon. gentleman avoids no opportunity to express his disrespect for the memory of the last parliament. But surely he ought to recollect, that, although he has often told us that the last parliament completely undermined the constitution, there yet remain principles for which the right hon. gentleman thinks it his duty to contend, under the sanction of which, he is yet permitted to accuse his majesty's ministers as criminals for doing that which necessity provoked, and which precedents warrant. Undoubtedly, Sir, I think that whether the people of England will hereafter approve of the conduct of opposition as constitutional conduct, they will admit that it is a vigilant opposition. On the present occasion, however, much of that vigilance seems to me to have been exerted in vain. They have not, with all their industry, fallen even in the way of one precedent, that might have induced some little relaxation of their inordinate zeal. They have not discovered that the act they have marked with every species of obloquy, of which language is capable, is an act that has been again and again approved of. It is even within the admitted principle of successive parliaments. But the members who sat in the last parliament have not forgot that, when a loan of four millions and a half was proposed to be granted to the Emperor, the intention of granting that loan was known as early as February 1795. A message had been received from his majesty, stating that a negotiation was pending with the Emperor to maintain 200,000 men. The loan to be granted when the negotiation succeeded, and when it failed, to be mentioned. Soon after the answer to this message was communicated to the throne, a motion was made for an account of 250,000*l.* advanced to the Emperor in May, 1795; and again a similar motion was made for an account of 300,000*l.* also advanced to the Emperor in the month of May following. With respect to these sums, it was agreed by the House before the loan was debated, that they might be afterwards made good out of the loan. This, Sir, I have stated to show that the members who sat in the last parliament cannot be altogether ignorant of the principles of the constitution. After the negotiation was concluded, the loan was debated; the House was divided, but no objection was made to these advances. On the subject of the prince of Condé's army being supplied with money by this country, I can only say, that whatever sums that army has as yet received have been paid, on account of services rendered, as forming a part of the Austrian forces. The circumstance of a part of the 1,200,000*l.* stated as being sent to the Emperor, being afterwards received in this country in part payment of the interest due on the second Austrian loan, is also easily accounted for, these payments, on account of being in their nature the same as if the Emperor, instead of being so accommodating to himself as to pay the money, by his agent, on the spot, had ordered it to be sent to Vienna, and transmitted by the same post to this court.

I may now, Sir, I think be permitted

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to ask on what principle of justice a criminal charge can be brought against me for merely having followed the uniform tenure of precedent, and the established line of practice? By what interpretation of a candid and liberal mind can I be judged guilty of an attempt wantonly to violate the constitution? I appeal to the right hon. gentleman himself, who is not the last to contend for the delicacy which ought to be used in imputing criminal motives to any individual, and to urge in the strongest terms the attention which ought to be shown to the candid and impartial administration of justice. In what country do we live? and by what principles are we to be tried? By the maxims of natural justice and constitutional law, or by what new code of some revolutionary tribunal? Not longer than a year and a half since, the same principle was adopted, and suffered to pass without any animadversion; and now, at a crisis of ten-fold importance, and where the measure has not outrun the exercise of a sound discretion, it is made the foundation of a criminal charge. We are accused with a direct and wanton attack upon the constitution. Is is not supposed that we have been actuated by any but the blackest and most malignant motives. We are not allowed the credit of having felt any zeal for the interest of our country, nor of those advantages which the measure has produced to the common cause. I have now weighed the whole merits of the transaction before the House, and with them I am well content to leave the decision. While we claim a fair construction on the principles and intentions which have guided our conduct, if it shall appear that it has in the smallest instance deviated from any constitutional principle, we must submit to the consequence, whatever be the censure or the punishment. It is our duty, according to the best of our judgment, to consult for the interest of the country: it is your sacred and peculiar trust to preserve inviolate the principles of the constitution. I throw myself upon your justice, prepared in every case to submit to your decision; but with considerable confidence, that I shall experience your approbation. If I should be disappointed, I will not say that the disappointment will not be heavy, and the mortification severe; at any rate however it will to me be matter of consolation, that I have not, from any apprehension of personal consequences, neglected to pursue that line of conduct which I conceive to be essential to the interests of the country and of Europe. But while I bow with the most perfect submission to the determination of the House, I cannot but remark on the extraordinary language which has been used on this question. Ministers have been broadly accused with a wanton and a malignant desire to violate the constitution: it has been stated that no other motive could possibly have actuated their conduct. If a charge of such malignant intention had been brought against men, who have affirmed the present war to be neither just nor necessary, and who on that ground cannot be supposed friendly to its success; who have extolled, nay, even exulted in the prodigies of French valour; who have gloried in the successes of the foes of civil liberty, the hostile disturbers of the peace of Europe, men who blasphemously denied the existence of the Deity, and who had rejected and trampled on every law, moral and divine; who have exclaimed against the injustice of bringing to trial persons who had associated to overawe the legislature; those who gravely and vehemently asserted, that it was a question of prudence, rather than a question of morality, whether an act of the legislature should be resisted; those who were anxious to expose and aggravate every defect of the constitution: to reprobate every measure adopted for its preservation, and to obstruct every proceeding of the executive government to ensure the success of the contest in which we are engaged in common with our allies; I say, if such a charge of deliberate and deep-rooted malignity were brought against persons of this description, I should conceive that even then the rules of candid and charitable interpretation would induce us to hesitate in admitting its reality; much more when it is brought against individuals, whose conduct, I trust, has exhibited the reverse of the picture I have now drawn. I appeal to the justice of the House, I rely on their candour; but, to gentlemen who can suppose ministers capable of those motives which have been imputed to them on this occasion, it must be evident that I can desire to make no such appeal.

Mr. *Bragge* said, that with regard to the confidence which was placed in the ministers of the crown, and so much declaimed against in that House, it was right to distinguish between it and that

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sort of individual confidence, to which some of the animadversions more justly applied. The confidence reposed in the executive servants of government, was of a public and constitutional nature, to be exercised for the benefit of the public, and for the use or abuse of which, they were responsible. This confidence was far from being unknown in the general administration of government; for surely ministers might, with much better reason, be trusted with the disposal of this vote of credit subject afterwards to the revision and approbation of parliament, than with the secret service money; of which no account whatever could be demanded of them. Parliament, in passing that vote, was sensible that the public service would be liable to exigencies which could not at that moment be foreseen, and the money was made generally applicable to any exigencies which might arise. The situation of our principal and truly faithful ally produced that exigency; the state of public credit required that the mode in which assistance was conveyed to him should not be generally known, and those combined circumstances brought on the necessity which fully justified the minister in the measures he had so meritoriously adopted. The conduct of the minister, so far from meriting censure, was highly deserving of the gratitude of the nation; at the same time, he was desirous that the proceeding dictated by necessity should not be drawn into precedent in future, notwithstanding the auspicious consequences with which it had been attended. He would therefore move, as an amendment to the motion, to leave out from the first word "That" and to insert these words, "The measure of advancing the several sums of money, which appear, from the accounts presented to the House in this session of parliament, to have been issued for the service of the Emperor, though not to be drawn into precedent, but upon occasions of special necessity, was, under the peculiar circumstances of the case, a justifiable and proper exercise of the discretion vested in his majesty's ministers by the vote of credit, and calculated to produce consequences, which have proved highly advantageous to the common cause, and to the general interests of Europe."

Mr. *Samuel Thornton* said, that, he at first felt some difficulty, whether a bill of indemnity would not be proper, but he was now convinced that the measure did not stand in need of such justification.

Mr. Alderman *Lushington* said, it was true there had been a meeting of his constituents that day, and a large majority of the Common-hall had resolved to give their instructions to support a motion for censuring ministers; but he could never consent to receive instructions to pronounce a verdict in a criminal case before he had heard the defence. It was said that the constitution had been violated; but the papers on the table proved the contrary. He was at first inclined to think a bill of indemnity would be proper, but he had since heard enough to convince him that it was not necessary.

Mr. Alderman *Curtis* said, he had been that day at the Common Hall, where a majority appeared in favour of the resolution to censure the minister beforehand. Previous to the meeting, he knew that such would be the result; nor did he consider it as a regular expression of the sentiments of the livery. He told his constituents that he could not, under such circumstances, promise to abide by their instructions, but would attentively consider all that should be advanced on both sides, and act as his conscience should direct.

Mr. Alderman *Anderson* said, there were about one-tenth of the livery assembled, and it was his fortune to differ from his constituents; when they were assembled, an hon. gentleman (Mr. W. Smith) made a flaming speech to them, and they immediately gave the instructions as stated by his colleague. He told them he would not vote to censure ministers until he heard their defence. With this defence he was fully satisfied, and would support the amendment.

Mr. *J. Nicholls* blamed the measure in discussion, from the inconvenience to which the country was exposed by too sudden a diminution of the circulating coin: which had of late very alarmingly diminished. It was necessary that there should be a certain proportion between the coin and the paper in circulation. Though he could not agree to the original proposition, he thought the constitution should be protected, by an express declaration on this point. No minister should have power to send money out of the country, without the previous consent of parliament. This important fact should be settled, but by what means he was not prepared to say. Perhaps a bill of indemnity sounded too harshly in ministers ears. A declaratory

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law, or any thing more palatable, might be passed. He wished Mr. Fox would withdraw his motion, and yet he owned it was necessary that some proceeding should take place to prevent the establishment of a bad precedent.

Colonel *Wood* said:—Sir; were any minister to be so far wanting in his duty, as, without any previous sanction of parliament, to dispose of the public money for the purpose of subsidising foreign states, I agree that no censure in the power of this House to impose would be an adequate punishment. The question for us to determine is, whether or not parliament ever granted to ministers any direct, or even implied power, under which they can justify their conduct in giving a temporary aid to the Emperor; and if so, how far that power had been exercised for the advantage of this country. It is certain, that parliament voted a credit of 2,500,000*l.* for the general services of the country. The nature of such a credit seems to imply a discretionary power to make use of such money towards such extraordinary and unlooked-for services, for which parliament had not provided, trusting to the future responsibility of ministers, that it would be disposed of in such manner as might be most beneficial to the nation. If, from the disastrous events at the beginning of the last campaign —events which put the very existence of the Emperor in danger—the minister, with a vote of credit of between two and three millions at his command, had hesitated to give some pecuniary aid towards encouraging those glorious exertions which had rescued Germany, such minister would have merited execration.

Colonel *Gascoyne* said, he came down to the House with a determination to vote in favour of the motion; but from the precedents that had been quoted, he was convinced that the transaction was perfectly constitutional.

Mr. *Sheridan* said:—The hon. gentleman who moved the amendment, is determined to turn every expression of censure into a testimony of approbation. The hon. gentleman behind me (Mr. Nicholls) does not approve of the measures of ministers upon this occasion, but he wishes to have a bill, enacting that a similar application of the vote of credit shall not in future be made. To this last proposal I least of all can agree. I consider it to be a libel upon the constitution, to say that it requires a new act of parliament to declare, that the money which the House voted for the purpose of defraying unforeseen charges, and answering a particular species of expenditure, should not be applied to purposes for which it obviously was not intended. The great argument which has converted so many gentlemen is this, that the measure at first deemed so reprehensible is justified by precedent. It is however not a little extraordinary, that while precedent so powerfully operates conviction, it is not to be permitted to pass as an example for future imitation. In reality, while they admit the cases which have been urged in justification, they say that the present instance is so fatal in its operation, that it must not be established. The hon. mover of the amendment seems to have had his proposition previously arranged. He does not seem to have been aware that a great part of the sums sent abroad were remitted to the army of Condé, to which his motion does not at all refer. The amendment is wholly silent upon this part of the motion. What is this but an implied censure upon the transaction so far as it relates to the prince of Condé? This disposal of the money is likewise stated by the right hon. gentleman to be a justifiable use of this vote of credit, though in reality part of the money was contained in the army extraordinaries, to which the defence does not apply. The proposition which my right hon. friend has moved, consists of two parts, perfectly distinct. That part which we bring forward as a charge, we are bound to prove; but when we have established the principles of the constitution, and alleged the facts by which they are violated, the onus lies upon the right hon. gentleman to show that the statement is fallacious, or to produce the circumstances of palliation by which the transgression is to be excused. In this view, therefore, we have to prove that certain sums are destined and appropriated to particular services. Here I will not examine whether the power of granting supplies and controlling their application be as ancient as the government itself, and coeval with the existence of the constitution. It is sufficient that I refer to the best times in which its principles were established. This salutary regulation arose from the abuses of the government, from the misconduct of ministers, from the treachery of parliament, from tyranny, from cor-

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ruption. The reign of Charles 2nd is a sufficient authority for the appeal to history. At the Revolution it was solemnly recognized, and since that period it has been interwoven with our parliamentary usage. The precedents, upon which so much stress has been laid, do not apply to the present case. The first is that in 1706 of the advance to the duke of Savoy of 47,000*l*. If gentlemen, however, will take the trouble to look into the Journals, they will find that this sum was granted during the recess of parliament; that not only was the ally of this country placed in perilous circumstances, but that Turin was actually in a state of siege. A demand was made for 50,000*l*., and the letter which Mr. Secretary Harley sent in answer to the ambassador of Savoy, will show the inapplicability of the precedent. The letter states, that it is not practicable, according to the custom of the constitution, while parliament is not sitting, to comply with the request; yet, in the pressing circumstances of the case, her majesty was willing to grant a certain sum to be deducted out of the subsidy that was paid to the duke of Savoy. Will it then be said, that the present measure can be justified by an appeal to the authority of this precedent. The next precedent was in 1742. The money was then disposed of when parliament was not sitting, and it was afterwards moved in that House, that the sending sums to any foreign prince, without the consent of parliament, was a dangerous misapplication of the public money. On these words an amendment was moved, adding that the measure was necessary, and of great consequence to the common cause.* At that time, therefore, the measure was condemned, and the only justification set up was its indispensable necessity. The next precedent is the case of Holland, in 1787, when the money was taken out of the secret-service money; and it is well known, that, by Mr. Burke's bill, if the secretary of state makes oath the money was actually employed for the interest of the country, no farther inquiry can take place.—Such then, are the precedents, on the credit of which every idea of atonement for our violated laws and constitution is to be given up. The right hon. gentleman wonders, that after having allowed the subject to pass over upon the first day on which it was brought forward, we should now so keenly make it the object of investigation. He seems to conceive us to be bound by the same rules which limit the country in the prosecution of a thief, where, unless the hue and cry be raised, the benefit of prosecution is taken away. We have been called, ironically, I suppose, a vigilant opposition. I am ready to put in for my share of blame for want of vigilance, when the circumstance which is now erected into a precedent took place upon the communication of the intended loan to the Emperor, by the king's message in 1725. But even any negligence which might have been displayed upon that occasion is by no means of such a magnitude as our acquiescing in the present measure would imply. The situations were very different. Then there was a certainty that the advances to the Emperor would be repaid, because they were to be deducted from the loan which was to be granted. In the present case, the concealment which has taken place precludes the House from remedying any negligence that has been committed, or repairing any mischief that has been produced.—The right hon. gentleman says, could parliament have judged of the propriety of the measure? I answer, yes; and might have judged, too, upon the same grounds upon which ministers formed their judgment. Indeed, the principle on which this measure is defended, appears more dangerous than even any application of it can be thought impolitic. It arrogates to ministers a right to judge of the extent, as well as the mode of public expenditure; it is erecting the minister into an absolute dictator; it is a pretension beyond humanity to claim; it is usurping the attributes of the Deity, the power of refusing the desires and disappointing the wishes of those over whom they rule. Joined with the other parts of the conduct of ministers, it forms a subject of serious alarm. If they claim the right of landing foreign troops without consent of parliament, and of paying them, by this delicate process, without application to this House, where is the security left for our liberties and our constitution?—Mr. Sheridan concluded with observing, that there was only one point which he should notice, and that was the

* For a report of the debate upon this occasion, taken from the MS. Parliamentary Journal of the hon. Philip Yorke, see Vol. 13, p. 698.

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argumentum ad hominem which the right hon. gentleman used against his right hon. friend. But with what ill grace did this come from him, whose whole conduct had been one continued attack upon the liberties of his country. Were it possible that his venerable and illustrious father could look down upon the three last years of his history, to see him sit to applaud his confidential friends in reviling the sacred institution of juries, and that one of the most illustrious pensioners of the crown had not even been rebuked for saying, that courts of justice were become nothing more than schools for sedition; to see him covering the whole face of the country with barracks and bastilles, without even submitting the expense of their erection as a question to parliament; to see the whole country under military government, and the people placed under the subjection of the bayonet; while, as if this were not sufficient, their mouths were shut up, and themselves prevented from meeting to consult on their grievances; and proceeding in his climax of constitutional violence, wresting from them, one after another, all their rights, till he came at last to take out of the hands of the representatives the guardian disposal of their money? When he recollected the means by which that right hon. gentleman came into power, the arts by which he had retained it, and the contempt with which he had treated the House of Commons, and the disregard of its declared opinion which he had shown, how could it be thought that he would resign himself to its judgment with that submission which the conclusion of his speech bespoke.

Sir *W. Pulteney* said, he had always understood it to be the exclusive privilege of the House of Commons to vote money for the public service. He understood it to be also their privilege to control the distribution of the public money. It had been contended, however, upon the discussion of this subject. that the power of distribution was given to the minister to the extent of a vote of credit. Now, the House would do well to examine what had been the practice of our ancestors with respect to the distribution of the public money. They all knew what that practice was in ancient times. If the House of Lords amended a money bill, the practice of the House of Commons was, to kick the bill out of their House. That practice had been set aside in modern times. We were become more polite; and the mode now was to reject a money bill if the Lords had amended it. Should they then, be more complaisant to a minister than they were to the Lords? He saw no reason why they should, but many why they should not. The minister had that night relied a good deal upon precedents; but they did not apply to the subject now before the House. The minister had said a good deal upon the necessity of the measure, but nothing could do away the doctrine that the House had constitutionally the control of the purse. Gentlemen who defended the minister maintained, that a vote of credit was the grant of a sum for which the minister was answerable to the House, and that he ought to have the control of its distribution. Now he wished the House to examine what sort of an account might be given in such a case. The minister might say that the whole sum granted by the vote of credit was given to a foreign prince. How could the House have any assurance of the truth of the assertion? How could they be sure that such foreign prince had received it? How, if he had received it, could they learn the manner in which such foreign prince had applied it? The House had no power to put any questions to a foreign prince, nor any means of receiving official information from him. The power of the House was very different with regard to the minister of this country. They could call on him to lay before them an account of all the money they voted for the public service. He did not make these observations because he distrusted the present minister, or suspected him of any sinister motives. Nor did he make these observations because he disapproved of the present or of the last parliament, or that he saw any thing very dangerous in the present times. But the time might come when our situation in respect to government and parliament might be very different from what it is at present, and it was the principle of the measure that excited his alarm. Suppose the hour should arrive when a minister of this country might wish to put an end altogether to the power of the House of Commons. Suppose the House had granted him 500,000*l.* by a vote of credit, for the service of a foreign prince in alliance with this country, and that, after all, not one penny of it should be given to such prince, but that the whole of it should be given to the members of that House, to assist

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the minister in his wishes to overturn the constitution! He wished to know what security the people would have in that case for the constitution? Bad precedents ought to be resisted at all times, and the House ought to watch over them with jealousy, but more particularly in good times, for it was then the public were least liable to suspicion, and consequently it was then they were most likely to be carried. Precedents which were passed in good times might be made very dangerous use of in bad ones. On this account it was that he had taken so much alarm at this measure. He had attended to all that the minister had said upon the subject, and he thought him by no means justified from what had appeared in the discussion of the subject. The amendment, in his opinion, although it came from a gentleman who defended the minister, implied a degree of censure upon his conduct in this matter: he was content with any degree of censure, rather than have none. He thought there should be some mark set upon such conduct to denote the disapprobation of the House.

Mr. *Wilberforce* said, it had been proved to be the general practice of parliament to give to the minister power by a vote of credit. That power was afterwards to be revised and confirmed by parliament; and until so confirmed, it was not complete. The minister, in arguing these points, had referred to precedents. He had adduced instances of money being given to foreign princes, as this had been given to the Emperor, without the previous knowledge of parliament. It remained for the minister, then, only to prove, that in so doing, he had acted from the necessity of the case. This he had done by explaining to them the situation of affairs upon the continent, and at home. Had the minister disclosed the matter sooner than he did, he would have been guilty of doing that which he could not have honestly avowed at the time; because he could not, as minister, honestly avow that which would be injurious to the country. But the gentleman on the other side did not understand how this could be more difficult to be done publicly than privately. Upon this he could only say, that if done publicly, it must have been done at once, which was liable to this objection, either the sum might be too large or too small for the purpose intended to be answered by it. In the case of being too small, it might operate as a declaration of weakness to the enemy, which might be attended with great evil. In the other event, it might be injurious to our pecuniary interests. Whereas, by the mode which the minister adopted, the inconveniencies of either extreme were avoided. When he considered the matter fully, he was surprised that gentlemen should persist in their opposition to it.

Mr. *W. Smith* read the passages in Hatsell's Precedents quoted by Mr. Fox, which he thought were stronger than any precedents which could be produced. From these, he was of opinion that the minister had acted wrong; and the amendment itself contained a kind of acknowledgment which would, he thought, prevent the error from being repeated.

Mr. *Fox*, in reply, adverted to the allusions which had been made to himself. The right hon. gentleman had not thought it sufficient to defend himself, but he had chosen to accuse his accusers. The right hon. gentleman had said that his character was hostile to that of the last parliament, and that because he was generally in opposition to the majority of parliament, he was to be considered as disqualified from vindicating their privileges. So that, according to the right hon. gentleman, every member was disqualified from discussing constitutional questions who did not enjoy the smiles of the minister, and who did not prove his regard for the liberties of his country by his subserviency to the administration for the time being. Where could the House really look for the defenders of the constitution but among those who, disdaining the considerations of places and pensions, titles and ribbands, devoted such talents as Providence had endowed them with, to the services of the public, in an honest vigilance with respect to the measures of government, with no view to reward but the approbation of their consciences? The right hon. gentleman attacked his enemies without any regard to his friends; for if it were true that to have been long in opposition disqualified a person from asserting the character of parliament, and vindicating the constitution, what must be the situation into which he put his new friends? What would become of the duke of Portland and Mr. Burke? For himself he took the imputation of hostility to government, and to the Parliaments that had supported government, as a compliment. He gloried in having been hostile to the parliament that spent above one

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hundred million in subjugating America, and to the last parliament, who supported the minister in undertaking a war, unnecessary, and unprovoked. He certainly thought himself, upon comparison, better entitled than the right hon. gentleman to defend the constitution; he, who, at the end of the fourth campaign of a most wasteful war, could only boast that "we had achieved a chance for saving the constitution." With him, the standard of merit was political servility, and, he the man who voted with independence, was pronounced to be hostile to the constitution. If the question were, whether parliament was to be defended against some pretended faction out of doors, the right hon. gentleman might have a superior title to be its advocate, because, as the minister of the crown, he had chosen to bid defiance to every thing in the popular form of our system; but when the question at issue was between the crown and the parliament, it surely could be no moot point which of the two had the best claim to be the advocate of the privileges of that House. It was not now a complaint of a Mr. Paine—it was not now an alarm about the many innocent persons whom the minister had brought to trial, and who, thank God! had been protected by the laws of the country; a more formidable enemy to the privileges of parliament now presented itself—the executive branch armed with all the powers which it had lately obtained. What passage of his life, Mr. Fox demanded, could they select as a proof that he was not the man to support the constitution against such an enemy, rather than the right hon. gentleman, whose whole life almost, had been devoted to the encroachments of the crown? Let him ask his new friends, even the right hon. gentleman then at his side (Mr. Windham), whether, if they wanted an associate—not an associate to carry on a war for the purpose of crushing liberty in France, not an associate to carry on a war along with the despots of Europe, for the purpose of reducing all nations to slavery, since for such an associate they would naturally look to the right hon. gentleman;—but if they wanted an associate to defend the constitution of England against all attacks, whether they would not rather, even yet, come over to his side of the House, than look to the right hon. gentleman? Whether they would not rather look to him, who had never once abandoned the cause of the people and of parliament, than to the right hon. gentleman, who had in no one instance supported them? He had been forced to say thus much in answer to the usual declamatory attack which the right hon. gentleman had made upon him personally, which was his favourite topic, and in the present session his constant resource.—He should now come back to the question before the House. He had said on the first day this unconstitutional measure was made known, that it was fraught with danger; that if admitted, it went to the doctrine, that during war the constitution ought to be suspended, and the minister of the crown be appointed dictator. Yet now it was asserted, that he had spoken of it at first as merely an objectionable measure. He had spoken of it from the first moment in the same terms. He had put the question hypothetically—he had said that, even admitting that Germany had been saved by the succour given to the Emperor, and, with Germany, that even admitting Great Britain had been saved, still the measure was not justified, because the same succour might have been given by constitutional means. Parliament might have been consulted, and the whole done in a way that would have saved us from this outrage on our best security. Since the first opening of the business, it had been discovered that a great part of the money had gone to the maintenance of the prince of Condé's army. Now surely there could have been no danger in avowing this to parliament. It did not even appear in the distribution paper of the vote of credit, that the money had been sent for the maintenance of the prince of Condé's army, though it was now thought adviseable to state it in that way. Here, then, was proof on the face of it of juggling and fraud; for, finding it taken up by the House, the right hon. gentleman had chosen to put it into the vote of credit; but, said the right hon. gentleman, it is a superficial view of the subject to take the account of the remittances from the dates of the issues—they ought to be taken from the period of the engagements being formed; and therefore though the money appeared to be paid during the sitting of parliament, the engagements were entered into during the recess. He should have a very contemptible opinion of the understanding of the House, and of the people of England, if they permitted themselves to be cajoled

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by so trifling and unfounded a distinction, and if they did not express their resentment at the insult which it conveyed upon them. For what did it amount to? That the chancellor of the exchequer first promises, what he has no right to promise, namely, succours to a foreign power to be advanced from time to time. Parliament meets before those succours came to be sent. A constitutional minister, conscious of having done an extraordinary thing, which, however, the pressing necessity of the case might warrant, would have taken the very first moment to communicate what he had done, to lay the whole circumstances of the case before them, and to request a bill of indemnity. But no such thing! He did not think it wise and safe to trust the secret to parliament until he had fulfilled his engagements. Perhaps a greater outrage on the dignity of the House could not be offered than was contained in this explanation. He, the chancellor of the exchequer, could only safely be trusted with the disposition of the money of the people of England; and to give to their representatives even a hint of what he was doing with it, might have utterly defeated the very end of the measure! Parliament might have viewed the measure in three ways. They might have thought the conduct of the right hon. gentleman, in the engagements he had formed, perfectly proper, and have declared their approbation of the measure; or they might have thought the measure improper and indiscreet in itself, but yet being undertaken, unwise and dangerous, to stop its execution; in either of these two ways, there would have been no essential inconvenience in making known the matter to parliament on the first day of the meeting. But there was a third mode of viewing the subject. They might have thought it a measure so utterly unwise and improper, so injurious and fatal, that they not only would have censured the minister for making the engagements, but have prevented their execution. But this he had taken care to provide against. "No, no," said he, "you may censure me; you may attack my character; but I have taken care that you shall not save your money. Thank God, your money is gone to Germany! You cannot get it back again, whatever you do with me. My life is not implicated in the proceeding, but my honour is in your hands, and I abide the responsibility of the measure." Was this language to be endured? Was it not an insult to parliament, to say that they were not fit to be consulted on the disposition of the money of their constituents? Was it not to say, that he was a better judge than the House of Commons? Or did he think that it would have degraded his dignity, in the eyes of foreign statesmen, and foreign cabinets, to own that he must consult the British parliament before he parted with British money? This was exactly what the constitution imposed upon a British minister —what every man who venerated that constitution wished to see enforced—that a British minister should be forced to make known to foreign statesmen and foreign despots, that however they might trample on their miserable people, and rob and plunder them at their pleasure, there was one enviable spot on the surface of the earth, where men had asserted their rights, and would not be treated as slaves. —If it was done for the pretext of secrecy, such secrecy was as false in policy as it was odious in morality. The ignorance of the extent of the remittances would increase the terror of the transport of our specie, and accordingly, when the rumour of these remittances got abroad, the scarcity of money was the greatest. Was it to be believed that the succour to the Emperor would not have been more efficacious if known to all Europe? What was there in the right hon. gentleman that they should confide in him such monstrous powers? And yet he should rather confide in him personally, than he would in office. It was not the man, so much as the chancellor of the exchequer, that he dreaded. If a chancellor of the exchequer might give away to a foreign prince 1,200,000*l.* without making it even known to parliament, what might he not do?—Mr. Fox then animadverted on the amendment, which, he said, was inapplicable, since it left out one compleat branch of the charge, the money sent to the prince of Condé's army; and it talked of not drawing the practice into a precedent, except in cases of necessity, which wanted no precedent at all, since obvious and imperious necessity must bring its own justification.—He then went over the precedents, and showed that they were all inapplicable. In the case of Mr. Pelham, whom the chancellor of the exchequer had exultingly described as a constitutional minister, the money sent abroad, was sent when the parliament was not sitting; in the present case, it was done while parlia-

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ment was sitting. In the case of Mr. Pelham, the sum was only 40,000*l*. In the present case, it was no less than 1,200,000*l*. In Mr. Pelham's case, small as the sum was, the matter was seriously and warmly taken up by the parliament. And how was it disposed of? Not by any amendment, but by the previous question. Afterwards the papers relative to the matter were moved for by the ministers themselves, and the whole was sanctioned on the ground of necessity. In the year 1744, this constitutional minister, Mr. Pelham, stopped a pending treaty, because 100,000*l*. was asked for on the part of our ally, until he could obtain the sanction of parliament. But it seems because the opposition had failed in vigilance, in the instance of money advanced in 1795, this was to justify ministers in going on in the same career. Mr. Fox concluded with a warm argument, that no advantage had been gained by the manner in which the business had been done, and after hearing the minister say, that he would persist in the same course, he should only add, that if he continued to attend that House, he would not relinquish his endeavours to obtain their marked disapprobation of the measure; and if otherways, he had no doubt but the people would find abler advocates. But if this measure was not reprobated, he should think that man a hypocrite who pretended to see any distinction between this government and an absolute monarchy. He had made use, in former days, of strong opinions; he did not, he said, retract one of them; he had no hesitation in saying that occasions might arise, even in a comparatively free country, when the people might be driven to the necessity of resistance.

The question being put, "That the words proposed to be left out stand part of the question," the House divided:

Tellers.

YEAS	Mr. Alderman Combe - Mr. William Smith - -	81
NOES	The Lord Carrington - Mr. Steele - - - -	285

Mr. Fox's motion was consequently negatived. Then the amendment moved by Mr. Bragge being put, it was agreed to.

List of the Minority.

Anson, T.	Bampfylde, sir C.
Aubrey, sir John	Barclay, G.
Baker, J.	Baring, sir F.
Beauclerk, C. G.	Milbank, R.
Biddulph, R.	Mildmay, sir H.
Bird, W. W.	Milner, sir W.
Bouverie, hon. E.	Nicholls, J.
Bouverie, hon. W.	North, D.
Brogden, J.	Northey, W.
Burch, J. R.	Peters, H.
Burdett, Francis	Plumer, W.
Byng, G.	Porter, G.
Cavendish, lord G.	Pulteney, sir W.
Clayton, sir R.	Pulteney, sir J.
Coke, Ed.	Peirse, H.
Coke, T. W.	Rawdon, hon. G.
Colhoun, W.	Rawdon, hon. J.
Courtenay, J.	Richardson, J.
Davers, sir C.	Russell, lord J.
Dashwood, sir J.	Russell, lord W.
Dundas, C.	St. John, St. Andrew
Dundas, hon. L.	Sawbridge, S. E.
Erskine, hon. T.	Scudamore, J.
Fitzpatrick, general	Sheridan, R. B.
Fletcher, sir H.	Shum, G.
Foley, hon. E.	Sitwell, Sitwell
Fox, rt. hon. C. J.	Spencer, lord R.
Grey, C.	Stanley, lord
Green, J.	Sturt, C.
Hare, J.	Tarleton, general
Harrison, J.	Taylor, M. A.
Hussey, W.	Townshend, lord J.
Jefferys, N.	Tufton, hon. H.
Jekyll, J.	Tufton, hon. J.
Jervoise, J. C.	Vane, sir F.
Kemp, T.	Vyner, R.
Knight, R. Payne	Whitbread, S.
Laurence, F.	Walwyn, J.
Lemon, sir. W.	Western, C. C.
Lemon, J.	TELLERS.
Lloyd, J. R.	Combe, Alderman
Martin, J.	Smith, W.

Debate on General Fitzpatrick's Motion respecting the Detention of General La Fayette, &c.] Dec. 16. General *Fitzpatrick* rose and said:—The French revolution is, Sir, an event of such prodigious magnitude, that there is no circumstance, either immediately or remotely connected with it, which does not, in some degree, affect the interests and policy of all other nations; more especially of such as have, in consequence of it, found themselves engaged in war. According to my conception, therefore, the subject which it is my present purpose to bring under the deliberation of the House, cannot be considered as foreign to the jurisdiction or cognizance of the British parliament. It is now nearly three years since I moved to address his majesty* to beseech his gracious interposition with a power, then an ally of this country, to obtain some mitigation of the unjust and cruel treat-

* See Vol. 31, p. 28.

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ment of certain distinguished members of the French constituent assembly, whom, not the chance of war, but the eventful circumstances of the times had thrown into the hands of the powers then leagued in a war against their country—I mean general La Fayette, together with two other respectable persons, at that time languishing in the prisons of our ally, the king of Prussia, and now, as I am well informed, experiencing a fate still more rigorous, in the dungeons of another of our allies, the emperor of Germany. Having upon that occasion thought it necessary to enter at some length, into a detail of the conduct of the unfortunate persons concerned, I shall spare the House the trouble of hearing any repetition of those particulars; contenting myself with remarking, that among such as have been able to preserve their minds free from the contagion of violence and prejudice which has too generally prevailed, and have looked at the revolution, in its commencement or its progress, with any thing of a dispassionate view, there have not been found any reasons for withholding from these persons the full credit of purity and rectitude of intention. I urged the House to the adoption of that motion upon the joint ground of policy and humanity. The circumstance of our having now relinquished all hopes of conciliating a party in France, by some may possibly be thought to have weakened the first of these pleas. Were this so, which I am by no means inclined to admit, the time which has elapsed, and the aggravated hardships of the unhappy sufferers, must be allowed proportionably to have added strength to the latter. But I have said that I by no means admit the first of these pleas to be weakened, because in a moment when questions of the highest political nature are, from the circumstances of the times, occupying the public mind of every civilised nation, I consider it to be a most fatal policy for those who are desirous of creating a preponderance of opinion in favour of monarchical forms, to exhibit to the world a flagrant instance of barbarity and oppression, which cannot fail to excite an indisposition towards those governments under whose authority it is exercised. I recollect, that an hon. friend of mine (Mr. Sheridan), in the last parliament, when he was drawing a melancholy picture of the declining state of this country, observed, that one remarkable circumstance, seemed to distinguish it from all examples afforded by history of countries in a similar situation; namely, that although there appeared a total decay of public virtue, the private virtue of the nation had been at no period more conspicuous. I must acknowledge, that the grounds upon which my hon. friend founded his opinion did not immediately suggest themselves to my mind; but without coinciding altogether with him, I could not but observe, that the fate of the motion I am this day renewing, afforded a striking illustration of the justice of it. When the subject I am now speaking of was first mentioned within these walls the humane feelings of every individual seemed to sympathize in an universal abhorrence of such detestable tyranny. But when, encouraged by these promising appearances, I brought forward a proposition with a view of giving effect to these benevolent sensations, no sooner did the minister step forward in opposition to it, than the voice of private virtue, but a few days before so audible, was hushed into a total silence; and the motion was negatived by a considerable majority; among whom must have been many, who, in their individual capacities, had expressed their disapprobation of that oppression which, in their public character they did not hesitate to countenance by their votes.

In the grounds of his opposition to that motion, the minister did not attempt to defend, or even palliate the enormity which he was sensible so many of his supporters shrunk back from the contemplation of with horror. There was but one member (Mr. Burke) who ventured to go that length: and the splendid abilities of that member were, at that time, exerted in support of so many wild and eccentric doctrines, doctrines at this day abandoned, and which ought to be looked back to with regret and contrition by those who encouraged them, that one may not unreasonably indulge a hope that this may prove one of those excesses where his eloquence seduced our predecessors into a conduct we shall not be disposed to imitate. The minister, however, was too judicious to adopt such a line of opposition. He entered into a defence of the original grounds of the detention of La Fayette, and expatiated upon the impropriety of our interference in the concerns of a foreign independent sovereign. I do not feel it necessary to revive the discussion of those points which have been so long before the public, I retain the opinion I then sup-

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ported, that supposing the original arrest, or temporary detention, of La Fayette to be justifiable, when once the true condition of himself and his companions had been ascertained, their imprisonment became an unwarrantable act of injustice and oppression. With respect to the impropriety of our interference with a foreign power, I trust we shall not hear that argument insisted upon this day. The king of Prussia, previous to his withdrawing from our alliance, determined no longer to continue in the odious character of the common gaoler of the confederacy; he transferred the prisoners to the emperor of Germany, it is said, with an observation which has been but too cruelly verified, that he believed they would not find their condition much benefited by the exchange. Thus do absolute princes sport with the liberties and sufferings of mankind! Should it be this day urged, that these unhappy men being still the prisoners of a foreign independent sovereign, our interference upon the subject would be still liable to the same objection, I am prepared to meet such an argument by a direct contradiction of the fact upon which it is founded. I assert, that general La Fayette and his fellow sufferers, are not the prisoners of the emperor of Germany. And upon what authority do I make this assertion? Upon the authority of the emperor of Germany himself. The unfortunate person of whom I have been speaking, to compensate, perhaps, to enable him to bear the severe lot he has been doomed to suffer, is the husband of a woman, whose name will be revered as long as exalted virtue shall command respect, or unmerited affliction shall inspire compassion in the breasts of men—a woman, exhibiting the example of another Arria, devoting herself to a voluntary participation of all the rigours, barbarities, and oppressions, a Claudius or a Nero can inflict upon her persecuted husband. It has been said, that the age of chivalry is gone, that all respect and loyalty to sex are obliterated. Never will I suffer to escape my lips a word which may be construed into a reflection upon the memory of the unfortunate princess, whose persecutions gave occasion to the observation; but surely his mind must be singularly framed, who can deplore the undeserved sufferings of the ill fated queen of France, and yet contemplate without pity the afflictions of the unhappy wife of La Fayette. This admirable pattern of female heroism and virtue, providentially escaped from the fangs of the relentless Robespierre (for it is the glory of her husband to have been equally an object of hatred to tyrants of all descriptions), had seen her mother, her sister, together with all her nearest and dearest relations, dragged to a miserable death upon a scaffold, on which, during a whole year, she had been in the daily expectation of ending her melancholy existence. She availed herself of the liberty the fall of her persecutor restored to her, to fly from the prisons of anarchical tyranny to the succour of her husband, languishing in the dungeons of, what is called, a regular and legitimate government. She had the good fortune to obtain an audience of the Emperor at Vienna, together with her two daughters; she threw herself at his feet, imploring his clemency for her unfortunate husband: but, if his liberty was too great a favour to be hoped for, soliciting, at least, that his family might, by partaking be permitted to alleviate the misery of his imprisonment. The House will readily believe, that the person to whom these supplications were addressed could not listen to them without emotion. The present emperor has not reached a time of life, he has not been long enough upon a throne, to have acquired that callous insensibility which too frequently is found to harden the hearts of those by whom the councils of sovereigns are directed. He received her solicitations with kindness and indulgence; he applauded and expressed his admiration of the generosity of her conduct. To the request of joining her husband in his prison, he immediately acceded; but with respect to the more material subject of her intreaties, he used these remarkable expressions; "With respect to his liberty, it is a complicated affair, upon which my hands are bound." Of the truth of this declaration of the Emperor, I hold in my hand the incontrovertible testimony of the interesting person to whom they were spoken. Upon this fact I appeal to the House, whether I am not warranted in the assertion that La Fayette is not the prisoner of the Emperor. This incomparable woman, having thus obtained the Emperor's consent to be admitted into the prison of her husband, hastened to Olmutz, the place of his confinement. It should seem that the favour she had obtained was, by some

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persons of authority in the imperial court, considered as too great an indulgence: for, upon her arrival, no means were left unattempted to dissuade her from the execution of her virtuous purpose. An officer preposed to the immediate guard of the dungeons, acquainted her that her husband, having attempted his escape, was subjected to the utmost rigour which the severe regulations of these prisons prescribed; that before she took the final resolution of immuring herself with him, it was just to apprize her that she could not be exempted from them. These menaces were not capable of shaking the firmness of a mind like hers; but it is truly painfully to relate, that these menaces have been carried into the strictest execution. What a scene must the reunion of this unhappy family have presented in the circumstances under which they met! In her interview with the Emperor he had assured her, that she would find her husband treated with lenity and indulgence. It is melancholy to reflect, that monarchs, in absolute governments, should so often be made the instruments of oppressions of which they are themselves unconscious. Having received these assurances, what must have been her feelings when she found her husband sinking under the aggravated severities of his imprisonment! Emaciated, debarred the sight of every human being, except his merciless gaolers, deprived of the benefit of fresh air, though labouring under a pulmonary complaint which made it peculiarly necessary for him! She learned from him that the first change of raiment he had been allowed, was in consequence of her arrival, when the tattered rags, which scarcely covered his body, had been exchanged for a garb of the coarsest materials; an indulgence, however, not given without the insult of informing him, that the coarsest materials had been purposely sought, as such alone he was worthy to be clothed with. What must have been her sensations, when her request, that herself and her daughters might be allowed the services of an attendant of their own sex, was peremptorily refused! By the rigid laws of the prison, strictly enforced, it is only during day-light that any prisoners are permitted to be absent from their respective cells; consequently, during these dreary winter months, their innocent and unoffending daughters, by a solitary confinement of sixteen hours in their own dungeon, purchase the permission of devoting the remaining eight to the duty of consoling their unhappy parents. But whatever trials the fortitude of a female mind may resist, the delicacy of a female frame is not formed to encounter so rude a treatment; accordingly we find, that the health of this unfortunate lady has suffered severely. For the benefit of medical advice she petitioned to be allowed to repair to Vienna. What a refinement in cruelty does the answer to her request exhibit! After an interval of three months, this answer was delivered to her by the governor of the fortress: "that his imperial majesty had been pleased to signify, that, on no accounnt she should be permitted to go to Vienna; but that she might quit the prison, on condition of never returning to it." Observe the inhuman, the diabolical condidition annexed to it: "You may quit the prison to seek medical advice; but mark, it is to return to it no more: you have sacrificed your health to obtain the society of your husband; you shall now sacrifice the society of your husband to obtain the recovery of your health." There is really a refinement of cruelty which would put to the blush the greatest poet who ever attempted to paint cruelty in its most odious colours. I will now read the reply of this amiable woman: "The commandant of Olmutz informed me yesterday, that, in answer to my request of being allowed to go for eight days to Vienna for the purpose of consulting the faculty, his imperial majesty signified, that, on no consideration whatever, I am to be permitted to visit that capital; and that he will consent to my quitting this prison only on condition of never entering it more. I have the honour to reiterate the answer which I made to the commandant. To solicit the assistance which the state of my health requires, is a duty which I owed my family and my friends: but they are sensible that it is not possible for me to purchase it at the price at which it is offered. I cannot forget, that while we were both on the point of perishing—I, by the tyranny of Robespierre; M. de la Fayette, by the moral and physical sufferings of his captivity—that I was not allowed to obtain an account of him, or to inform him that his children and myself were yet in existence: and nothing shall tempt me to expose myself a second time to the horrors of such a separation.

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Whatever, then, may be the state of my health, or the inconveniencies which may result to myself and my daughters from this habitation, we will all three avail ourselves with gratitude of the goodness of his imperial majesty, who permits us to share his captivity in all its details."

This letter unfolds to us another instance of atrocious cruelty to which she had been exposed. She cannot forget, that while they were on the point of perishing in their respective dungeons, she had not been allowed to obtain any account of him, or to inform him that his children or herself were yet in existence. With sorrow, I inform the House, that in this alarming state of health she has been to this hour suffered to languish in a prison, which, there is too much reason to apprehend, will shortly become the tomb of so much virtue. Among all the horrible crimes to which the French Revolution has given birth, those who love to contemplate human nature in its more favourable points of view, will derive some consolation to their wounded feelings from its having given occasion to the display of such exemplary virtue. Those who consider religion as the best and surest foundation of all virtue, will learn with satisfaction, that until her misfortunes gave scope to the exertion of the great qualities of her mind, the eminent piety of this lady had been the most distinguishing feature of her character. But what will those friends of religion think, when they are told that, by those governments who have hypocritically affected to be waging war in the cause of religion itself, that piety, by which she was distinguished, has been converted into an additional instrument of torture. By the tenets of the Roman Catholic persuasion, we know how very strictly the duties of confession and of hearing mass are enjoined. If, in the poignancy of her afflictions, the accumulated injuries of her oppressors could be supposed, in a mind of of such angelic purity, to have excited a momentary emotion of resentment, and have distributed the meek tranquillity of Christian resignation, it is a torment to her conscience not to be suffered, in the acknowledgment of it, to fulfil that duty which her religion has prescribed. The opportunity of fulfilling these duties, by sincere and devout Roman Catholics considered as sacred and indispensable, have, by a government pretending to be fighting the cause of that very religion, been absolutely refused to her repeated and pressing solicitations.

I am aware, that by some the agitation of this subject is considered as more likely to be injurious than beneficial to the unfortunate persons concerned. In a letter, addressed to the editor of a Paris Journal, by M. Mallet du Pan, I find him positively contradicting a statement which that editor had made of the ill treatment of the prisoners of Olmutz, telling him, that by the representation he has given of it, he has made himself the echo of imposture. From what sources M. Mallet du Pan has drawn his information, I do not know: in his contradiction of the rigorous treatment of the prisoners of Olmutz, from the respectable character he bears, I am willing to believe, that he is himself only the echo of imposture. He declares, that, in common with the rest of the world, he laments the fate of these unhappy prisoners. He declares himself likewise perfectly ignorant with respect to the causes of their confinement. This ignorance he considers as imposing a duty upon all prudent men of an entire silence upon the subject; and he recommends it to their friends that the unhappy persons should be wholly forgotten, till history shall have removed the veil which at present covers this mysterious business. His indignation is without bounds, when he finds this journalist holding forth to Europe, under the colours of a Caligula, a monarch, of all others, the most distinguished for clemency; yet he tells us, that this monarch holds in his prisons, neither he nor any one else can conjecture wherefore, a person to whose character he himself affixes the epithets estimable and irreproachable! This writer does little honour to the government he undertakes to defend, when he adds, that the friends of La Fayette will produce no other effect, by their complaints, than exciting the powers upon whom his liberation depends, to lengthen his captivity. I will not suppose that, with the rulers of a free country, a remonstrance against oppression will be supposed capable of producing an aggravation of it. I do not apprehend that I am doing any injury to the cause of La Fayette in this country, when I say, that whatever sentiments may be here entertained of the principles he has maintained and acted upon, I know that he would not to-morrow purchase his liberty by the retractation of any one of them. I will not believe that in this

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country it will be imputed to him as a crime, that he refused the liberty which was offered to him, upon his first arrest at Namur, upon the condition of betraying the army of which he had relinquished the command, to the enemy. I will not believe that this country harbours any ill-will against a native of France, because he was the original institutor of those national guards which have enabled France to established her republic against the united efforts of all Europe; still less will I believe that there can, in any quarter of this country, lurk against him a narrow and vindictive spirit which can be gratified in beholding the friend and pupil of the illustrious Washington perishing in a dungeon upon account of his political principles, even though such principles may have been originally imbibed in supporting the cause of America against Great Britain. If such considerations can stimulate the malignity of vengeance in arbitrary and despotic governments, it becomes us to show, that, under a free constitution, sentiments more liberal and magnanimous are generated in the human mind.

I now revert to the declaration of the Emperor, the ground upon which I rest the absolute necessity of taking some step to vindicate the national honour from the obloquy which that declaration has thrown upon it. Let any one who opposes this motion, undertake to explain by whom, unless by his allies, "the hands of the Emperor are bound," upon this subject; and let me ask, if, after this declaration, these prisoners are suffered to languish in their present miserable condition, to what member of the alliance will the common voice of all mankind impute the fact? If, as we were eloquently and triumphantly told by the chancellor of the exchequer, every Englishman, from the highest to the lowest, is entitled to his share of the glory of the archduke Charles's victories, where shall that Englishman shelter himself from an equal share of the disgrace and ignominy which belongs to the perpetrators of cruelty, injustice, and oppression? To free the country from the obloquy of lying under such an imputation, is the object of my motion. The moment is, perhaps, of all others, the most seasonable. We have set on foot a negotiation for peace. The act of humanity and justice I am now recommending, would be no slight indication of that temper pervading the councils of the allies, which is best calculated to promote the attainment of the great object to which the hopes and wishes of all the nations of Europe, are so anxiously directed? I move, Sir, "That an humble Address be presented to his Majesty to represent to his Majesty, that it appears to this House, that the detention of the general la Fayette, and Messieurs la Tour Maubourg, and Bureau de Pusy, in the prisons of his Majesty's ally, the Emperor of Germany, is highly injurious to the cause of his Majesty and his allies; and most humbly to beseech his Majesty, to intercede with the court of Vienna, in such manner as to his royal wisdom shall seem most proper, for the deliverance of those unfortunate persons."

Mr. *Sheridan*.—Sir; I rise with the utmost satisfaction to second the motion. I will not for a moment prevent you from putting the question, nor will I risk the chance of weakening the impression made upon the understanding and feelings of the House, by adding any thing to what has been so forcibly and eloquently advanced by my hon. friend, till I hear what can possibly be urged in opposition to that irresistible appeal which he has made to the justice and humanity of a British legislature.

Mr. *Pitt* said:—I readily admit, Sir, that a more striking and pathetic appeal was never made to the feelings of the House. Irresistible, however, as that appeal was, as addressed to the sensibility of every individual present, I am aware that this is a question to be decided by the understanding alone, and therefore I cannot decline stating to the House my reasons for negativing the motion. The argument, indeed, lies in a narrow compass. I hope I need not declare, that if I were satisfied of the existence of the facts, even to the tenth part of what has been stated by the hon. gentleman, and if it depended upon me to decide whether those facts should continue to exist, I would not for a moment hesitate what course to pursue. I am persuaded that if the circumstances were such as have been described, and the case of a nature which came within the cognizance of the House, there could not possibly exist a difference of opinion on the subject. But I contend, that however the House may be affected by the representation of facts which have reached the hon. gentleman, and which I have no

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doubt he has reason to believe to be true, though I have heard a very opposite statement of the transaction, the case is one which does not properly call for our interference. The House are in possession of no facts which authorize them to take any decided step on the occasion: there is nothing to satisfy them, that the detention of La Fayette is a circumstance at all to be influenced by their authority, or connected with any exertion of their power. However their humanity may be interested, considered as a question of political relations, it is not one which does at all come within their cognizance. But how does the matter stand? The hon. gentleman has quoted a verbal report of a speech of his imperial majesty, who is represented as having said, that "the matter did not depend on him; that it was a very complicated affair; that his hands were bound up." He therefore supposes, from this declaration of the Emperor, that the detention of La Fayette is an event which depends on the will of his Britannic majesty, as an ally of that prince. But, upon what ground is such a supposition formed? From whatever motive of duty or obligation the Emperor may have acted in adopting this measure of the detention of La Fayette, by what inference can it be concluded that the king of Great Britain is either implicated in the motive, or a party to the engagement? As to the question of any such engagement, I now declare in the most public, solemn, and explicit manner, that I know of no obligation expressed, implied, or understood, by his majesty, as at all connected with the transaction. I know of no communication that has passed on the subject between the courts of London and Vienna. No opinion has been asked from this country, nor has any reason been afforded to believe that it is a question on which we could have any influence to decide. It is a transaction in which his majesty has not had the smallest participation, and with respect to which he can have no right to interfere. As to the colours in which the hon. gentleman has represented that transaction, there can be but one feeling; and to whatever degree the representation may be just, if it was a case in which the House could with propriety interfere, there could be but one sentiment as to the course which ought to be adopted. For my own part, whatever be the ground of his original detention, which I do not now mean to discuss, however justifiable the right which may have been exercised in the first instance, I have no hesitation in saying with respect to him, as with respect to any other individual, that if the severity of his imprisonment is carried to any thing beyond what is necessary for the purpose of safe custody, if it is accompanied with any circumstances of insult, cruelty, and outrage, such a conduct cannot fail to excite the warmest indignation in every manly and feeling mind. We have no means of judging of the facts; very opposite statements have undoubtedly been submitted to the public: but even after the sympathy which has been produced by the narrative of the hon. mover, I will venture coolly to submit to the judgment of the House, whether we are bound to take upon ourselves the responsibility of any act of cruelty, injustice, or oppression, which may be committed by a power with whom we are upon a footing of amity and alliance? If we admit the principle in one instance, we must equally adopt it in all. We must take up the resolution not to continue in habits of intercourse and friendly communication with any foreign state, while we leave unredressed any act of severity, cruelty, barbarity, and oppression, which we may suppose to be sanctioned by the government. The hon. gentleman adverted to the sufferings of the partners of La Fayette's captivity, under the tyranny of Robespierre. I need not remind the House how greatly the cruelties exercised towards thousands by that bloody tyrant, exceeded those which are represented in this instance as exercised towards one individual; nor were the victims of his oppression of a character less deserving than the object who is now held out to your compassion; many of them, indeed, were persons of the most exalted virtue. But was it ever stated by gentlemen on the other side, that the cruelty of Robespierre was a reason which ought to prevent us from forming any connexion with his government, and entering into habits of friendly intercourse with the French nation? Did not they hold a directly opposite line of argument? And in replying to their suggestions in favour of immediate negotiation, did we ever urge our horror of the person of the tyrant, or detestation of his crimes, as the reasons why we could not adopt their recommendation? On the contrary, we

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were most careful to state, that the same principle which gave birth to his crimes, also operated in a way which precluded us from any hope of being able to treat with effect. We said, "Shew us the security that we may expect from the result of negotiation, and we shall then be ready to treat: we shall wave all objections to the character and conduct of the government, if you shall convince us that these are not connected with circumstances which operate as a bar to peace." If we saw nothing in the character of that government to prevent negotiation, provided a proper security could have been obtained, can we possibly admit the principle, that in proportion to our connexion with a foreign power, we take upon ourselves a responsibility for the separate concerns of the government, and the particular transactions sanctioned by their authority? Whatever judgment we may entertain with respect to the transaction in question; whether the ministers of his imperial majesty have advised him well or ill; whether they have acted conformably to the law of nations and the rights of war in the detention of M. La Fayette, we are not called to pronounce upon any decision which they have adopted. We have no more right to interfere in this instance, than in any other exercise of municipal authority. Are we to make a condition of our connexion with any foreign country, that its criminal law shall be equitably and leniently administered; or if justice be perverted from its course, and punishment rigorously enforced, to conceive that the guilt is ours, if we do not interfere with the means of redress? Let us put a stronger case than the present instance. Let us suppose that any body of subjects in Hungary should complain, that the rights of the nation were invaded and the people reduced to a state of the most abject and cruel oppression; should we, in consequence of such representation, be entitled to interfere in order to vindicate their privileges, and rescue them from the tyranny of the sovereign? But let us bring the case home to ourselves, and ask how this country would feel if any interference were attempted by a foreign power with respect to the proceedings of its government? I hope that this country never will nor can produce any parallel instance to the transaction in question: but let us for a moment suppose that we were parties to any transaction of such a nature as to excite feelings of compassion, regret, and horror in foreign nations, and to produce from them an interference founded on such sentiments; should we conceive them justified in making their feelings the standard of our conduct—in setting up their judgment in opposition to our authority, and by their interference, controlling our independence? I will state a strong case. Let us suppose that some country, not a party to the slave trade, should take upon itself to interpose with respect to our conduct in this traffic—If humanity and justice are abstractedly stated as sufficient grounds of interference, here is a trade carried on in opposition to the eternal principles of justice, and accompanied with instances of cruelty and outrage the most shocking to humanity. What instance of individual oppression can be put in competition with the injustice of a traffic which strikes at the root of every moral obligation? What case of private suffering can be brought forward so atrocious in its nature or dreadful in its circumstances? Yet, feeling as I do on that subject, and supposing even the Emperor actuated by similar sentiments, would I, or those who think with me on the question, conceive his imperial majesty to be justified, if he made the suppression of the slave trade a condition of his alliance with us? Would not every man in this House repel with indignation this interference with our domestic economy, this invasion of the authority of our government, this insult to our national independence? No instance of such interference as is now proposed has ever occurred at any former period. No case has been made out, which calls upon the House to interfere; nor could such interference be attempted without establishing a principle of the most unwarrantable tendency; a principle inconsistent with the internal policy and independent rights of foreign states. I cannot, therefore, consent to interfere in this instance. It would be improper for this House to take any share in a transaction, which in no degree comes within their province, and on which their decision could have no influence.

Mr. *Fox* said:—When I find an appeal so forcibly made to humanity, to justice, and to policy, attempted to be eluded by an elaborate display of sophistry, I cannot delay one moment to give utterance to the sentiments with which I am

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impressed. Notwithstanding the disapprobation I feel of the manner in which the right hon. gentleman has argued the subject, I am glad to find that one good effect has arisen from the discussion; I rejoice to find that the enormity which my hon. friend so eloquently painted, is at length admitted. But the right hon. gentleman doubts the truth of the facts which have been stated. Certainly there is no legal proof, no formal evidence, to substantiate them; but, without any very favourable opinion of the candour of gentlemen upon the other side, I will undertake, if necessary, to furnish such evidence as cannot fail to place the matter beyond dispute. Is not the circumstance a matter of notoriety? Can any degree of doubt be thrown upon the answer which Madame La Fayette received from the Emperor, or the letter in reply to the alternative that was proposed to her application? Do we not know that a government embarked in a war in defence of religion, humanity, and social order, upon the request of this illustrious lady, not merely refuse the favour, but, with a diabolical refinement of cruelty and of insult, connect the refusal with an insidious endeavour to tempt her from her honourable purpose? What are the terms which they annex to the indulgence they offer? You must not come to Vienna; you may go elsewhere; but it is upon condition of the desertion of your husband for ever! The letter which records this inhuman proposal, is public: its authenticity is incontestible. And can we doubt that the ministers who on this occasion advised the Emperor to commit an outrage never surpassed by Robespierre, are guilty of those other circumstances which have been imputed to them. Let us not think to justify the conduct by any doubt of its truth. But, says the right hon. gentleman, if we interfere upon the present occasion, strong as it is, we violate the general principle that prohibits us to interfere in the internal regulations of independent states. Has he, however, forgotten the general argument which he has so frequently urged to us upon many important questions? "Is the principle to be admitted with no limitation? can the rule suffer no exception?" The only difference we have had with him is, whether, in the cases for which he contended, the exception was to be endured? When the power of the crown is to be increased at the expense of the liberties of the people; when the constitution is to be infringed; when the privileges of the House are to be disregarded; the right hon. gentleman has no objection to abandon the principle, and to be guided by the exception; and it is only when an illustrious sufferer is to be rescued from the dungeons of despotism; it is only when humanity, when justice, when virtue plead their strongest claims, that general rule cannot, in his estimation, abate the smallest portion of its rigour. If in one instance we admit the exception, here alone he perceives no limits to its application. It is said, that there are no precedents. I will, however, tell the right hon. gentleman that there are many precedents in the history of Europe; some where such interferences were without effect; others, when they were employed with success. When our ambassador left Paris at the beginning of the present contest, he left behind him a powerful intercession in favour of the unfortunate king. Is the case of the interference of France, in favour of Asgill, referred to in an eloquent book which every body has read, unknown, and does this form no precedent? I wish to know what there was in the connexion of France with America so intimate and so peculiar, that warranted that court to do with America what we cannot attempt with Austria? Were they more closely united by the nature of their cause, or the circumstances of their alliance, than we to that ally with respect to whom we entertain such scrupulous delicacies? After the glorious share which we were proud to boast in the victories of the archduke, can we doubt of the intimacy of the relation only where it may promote the cause of humanity and of justice? The words of the Emperor are clear and intelligible: "his hands are tied up; he is bound." Surely this does not mean that the Emperor is bound by any law. Is he so limited in the exercise of his power, especially in the country which is the scene of this atrocity, that he does not possess the authority to liberate a prisoner unjustly detained? Then he must be bound by his allies; by some one of those known powers with whom he is connected. To show, therefore, that Great Britain is not the power to whom this injustice is to be ascribed, to preserve our honour and our character unsullied, I call upon the House to pass a vote that will rescue us from the imputation of being concerned in so detestable a transaction, and attach the infamy to the party to whom in reality it belongs.—But we

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are told, you will interfere in the domestic economy and regulations of independent states. I answer, no; this is not a question which affects domestic economy. I see general La Fayette and his unfortunate companions transferred from the prisons of the king of Prussia to the dungeons of the Emperor; and why, but because he was considered to be the prisoner of the allies? I am aware that a cavil may be employed; but surely it cannot be employed with success;—namely, that, as La Fayette was taken prisoner before we engaged in the war, he is the prisoner of those powers only who were then engaged. I hope that such a pitiful cavil will not be urged. The transfer of this unfortunate man from his original place of confinement is a complete proof that he was not the prisoner of the king of Prussia, or of the emperor of Germany, but of the powers confederated against France. And can this be called an interference in domestic policy? Is La Fayette the subject of the Emperor; or was he taken up for violating laws which he was bound to obey? No: he was taken as a prisoner of war; and, of course, ought to be held as the prisoner of the allies jointly. Be it then, that he is to be considered as a prisoner of war (though even this is a point which may admit of dispute); it is a common custom to allow to such their liberty upon their parole, and upon condition that they shall not again serve during the war. Was any such proposal made to La Fayette? No: with that diabolical malice which prompted the ministers of the Emperor to tempt the wife of this illustrious sufferer to depart from the magnanimous purpose she had formed of succouring her oppressed husband, they in vain attempted to seduce the gallant La Fayette to renounce that bright reputation he had so nobly acquired, to tarnish those laurels with which he is decked, to sacrifice that proud and dignified character that will flourish in the annals of the world, and live in the estimation of posterity, when kings and the crowns they wear are mouldering in the dust. They put to him the question, "Will you give a sanction to those who disapprove the constitution, and take up arms to destroy it?" His negative was decided. La Fayette, while he disapproved the measures by which he was driven from his country, felt a magnanimity that did not permit him to promote the designs of those who were confederated against it; nor would he violate, by a treacherous act, that duty and that affection which he still felt for his country. I hope and trust, therefore, that the House will feel that La Fayette was detained, not as a subject of the Emperor, but as a prisoner of war; and not as a prisoner of the Emperor, but as a prisoner of the allies.—Shall I be told by the right hon. gentleman that there is no connexion between the infamy of so base an injustice as this, and the very success with which a common cause is pursued? Suppose that, at the period when this country was at peace with France, when her internal situation was such as would not have induced the right hon. gentleman to interfere, had he been united with her by treaties, and about to act with her as an ally in defence of religion, of humanity, and of social order, would he not have said to her rulers, the object of the confederacy cannot be pursued with success, unless you remove the scandal and the disgrace which your internal proceedings must occasion? When a war is pretended to be undertaken to defend religion, justice, and social order, is it possible, while such unheard-of cruelty exists, while it is perpetrated by one of the allies co-operating for those objects, and exercised towards the person of a warm friend to limited monarchy, a martyr to that cause and to his principles, that those objects can be prosecuted with success, that the confederates can merit any confidence in their sincerity? It is not enough to vindicate the honour of this country from a partnership in so vile a transaction, that we are told by the right hon. gentleman that Great Britain is perfectly free from any part of the blame. We should declare by that intercession which we ought to make with our ally, that we are wholly unconcerned: that so far as lies in our power, we have done every thing to vindicate ourselves from the infamy, and to remedy the injustice. Is it contrary to the rights of independent states, and the usage of nations, to intercede with an ally in the cause of humanity? Many instances have occurred when this intercession has been made with success, and none is to be found where it gave offence. But when we reflect upon the nature of the alliance which subsists between this country and Austria the loans which, from year to year, the Emperor has received, the extraordinary zeal with which ministers have stepped forward to supply his

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necessities, must not every man acknowledge that here, if in any case, there is as little room for scruple as there would be ground for offence? Till this be done in an open and unequivocal manner, I must believe that the Emperor is really bound, and that he is prevented from pursuing his inclinations by some ally, by whom he is in a situation to be controlled.—The right hon. gentleman says, that to adopt such a precedent, would be to make us parties in every internal transaction of our allies to which any objection could be formed. He tells us sometimes, that it is a false mode of reasoning to argue from the rule against the exception, and from the policy of the little to the policy of the great; and I certainly do not feel myself disposed to controvert the general truth of the observation; but the present is a case of mercy, that mercy which itself is only an exception to the grand principle of justice, and held no less dignified in its nature, and no less honourable in its practice. Why, then, does the right hon. gentleman stand so high upon the principle? Why does he refuse to admit the limitation in an instance so glorious? The right hon. gentleman professes to have admired the exalted virtues and the heroic magnanimity of the unfortunate wife of general La Fayette; but, so much is the spirit of chivalry decayed, that he willingly allows her to moulder in the dismal recesses of a dungeon. Much as he admires this lady's conduct, she is to be little benefited by this admiration; much as her situation excites his sympathy, he will make no effort for her deliverance. If the people of this country must exult in the victories of prince Charles, and participate in their glory, will they not feel with equal transport the triumph of relieving the unfortunate? I have often been accused by the right hon. gentleman, because I have expressed myself freely in praise of those traits of gallantry, which the enemy has displayed. But the archduke Charles, possessing those qualities which are the usual companions of bravery, feels and does justice to the merit of an enemy. The dead body of a French general (Marceau), which had fallen into his power, he restores to his companions, and pays to his funeral those last honours that are due to bravery. Had this generous prince the disposal of La Fayette, who can doubt of the conduct he would pursue? The same disposition that induced him to render justice to the merit of Marceau, would lead him to esteem the qualities of La Fayette. If we may judge of the court of Vienna, from the character of this prince, the Emperor must be bound up from following his own inclination. If we are to fix the blame upon any particular quarter, we should rather suspect of prolonging the misery of La Fayette, those individuals who have reviled all Frenchmen who have been connected with the Revolution, than those who have shown themselves capable of allowing them the merit they deserve. The Emperor is young in years, and in command. We all know how easy it is in courtiers to conceal the truth. Madame La Fayette asks leave to come to Vienna to obtain a consultation concerning the deplorable state of her health. She gains permission to leave her prison on conditions with which she cannot comply. Yet these ministers, in their low and grovelling minds, seemed to be afraid that they had granted too much. They dreaded that she might come to Vienna; and disclose the horrid scene of iniquity with which the Emperor was unacquainted. They then say, you may go to Hungary, to Bohemia, or any where else except Vienna; there you are not to come. Was it from any apprehension that she who had spent so much of her life in the dungeons of anarchy and of despotism; that she who had distinguished herself by her pious conduct, her domestic temper, her mild and gentle virtues, was there to prove dangerous by her intrigues? No; they feared that she might obtain an audience of the Emperor, and display such a picture of her husband's sufferings and her own, as would strike his mind with indignation and horror. It is true, that these events to a certain extent are public: that even the debates of this House may be known at Vienna. But still such matters as this are carefully, and often successfully concealed from the knowledge of princes. This will hardly be thought possible to those who judge only by what they see in this country. What happened to the king of Spain, however may prove true of the Emperor of Germany. During the whole course of the war with Spain his Catholic majesty was told, and had believed, that his troops were always victorious, and, to his astonishment, the first account he received of disaster was, when his ministers, frightened into peace, informed him of the defeat of his army,

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and advised him to put an end to the war on any terms. It is impossible not to believe, that the Emperor has been cruelly deceived. How, then, is his fame to be cleared, and his reputation to be retrieved? How is he at length to do away the injustice which has so long been practised by an abuse of his authority? Suppose my hon. friend were sent to Vienna for this object, would he possess the means of explaining to the Emperor the cruelties which his ministers had inflicted? No. This could only be done by a communication between equals. Let the king of Great Britain intimate to the Emperor, by direct communication, the true situation of the case, and the real sentiment of the British nation coming from an equal authority, cannot fail of success. Will the House look to the treatment of general La Fayette without emotions of sympathy, or turn from his sufferings without feelings of execration? If they refuse to yield to those natural and generous sentiments which his history and his misfortunes are calculated to inspire, they are callous to every feeling which can dignify the human character. To La Fayette can be imputed none of the horrors which have disgraced the Revolution in France. By almost all he is admitted to have been well intentioned: he acted only in the first times of the Revolution: he participated in none of the atrocities which succeeded. True to the principles he professed, he sacrificed to the sacred impulse of duty every thing which was dear to his heart. Surely the sufferings he has undergone, the unmerited persecution he has suffered, his constancy, his courage, and his virtue, form claims which appeal equally to the calm dictates of reason, and the warm feelings of humanity. I sincerely hope that the House will do themselves honour by sanctioning so virtuous a cause. If the minister should show himself dead to humanity and to the glory of the country, I hope the House will feel with their constituents, and rescue from oppression a person so long the sport of adversity, and the victim of despotism.

Mr. *W. Smith* said, there was a possibility that Fayette had been confined in this rigorous manner by the Emperor, the request of the brothers of the French king; if so, and government chose to interfere, he had not a doubt but the count d'Artois might be induced to relinquish his claim on the Emperor's promise of such confinement. The motion only requested the House to use its interference in order to prevail on his majesty to intercede with the Emperor in behalf of this unfortunate general. The House might very well do this: neither the crown nor the government could be degraded by an act of mercy; and if the House agreed to the motion, the universal voice of the people of Great Britain would applaud their decision.

Mr. *Martin* trusted that the motion would not be resisted. Many of the members were young men, from whose feelings a decision that would do honour to them might be justly expected.

Mr. *I. H. Browne* observed, that the question before the House ought to be decided on the simple ground of its own merits, without any reference whatever to the feelings of gentlemen. He could not help thinking, that the motion was objectionable on many grounds, but particularly as it stated facts which did not come in an authentic state before the House.

Mr. *Grey* said, it was impossible to hear the narrative of the sufferings of La Fayette, without the most acute feelings of compassion for him and the unfortunate partners of his misery. It was a cause in which it would have well become the government of a great nation to interfere without any application. But when he heard it stated that such interference would be inconsistent with the relation in which we stood to the government of Austria, he hoped that the House, as the only remaining resource, would direct the application to be made. He felt it unnecessary to go at length into the subject: after the eloquent and pathetic appeal which had been made to the House; and he considered it as a happy omen, that not one individual had come forward to oppose the motion, excepting the chancellor of the exchequer. He earnestly hoped, that either the British government would intercede with the court of Vienna in behalf of these unfortunate captives, or that the government of France would stipulate for their release as an article of the treaty of peace.

Mr. *Wilberforce* could not accede to the motion in its present form, because he did not think that the facts stated were sufficiently ascertained, and because he was not sure that the circumstance of Fayette's confinement had been injurious to the cause of his majesty and his allies; nor, on the other hand, did he think it a

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cause in which it was improper for the House to interfere. He was confident, if suspicion was before entertained that the government of this country was concerned in his confinement, that such suspicion could not exist after what had fallen from his right hon. friend. He conceived, however, that it was the duty of a great and respectable assembly, to look abroad into the world, and to attend to the claims of misery, wherever objects of distress were to be found. Though he could not vote, therefore, for the motion in its present form, he would move, as an amendment, that instead of the words of the original motion, be substituted the following:—"That an humble address be presented to his majesty, humbly to submit to his majesty, the propriety of his majesty's using his good offices with his ally the emperor of Germany, for the liberation of the general La Fayette, and Messieurs La Tour Maubourg, and Bureau de Pusy."

The Amendment being regularly proposed, and the question being put upon it,

The *Master of the Rolls* conceived the motion to have been made on the supposition, that his Britannic majesty was concerned in the detention of La Fayette; and now that the chancellor of the exchequer had disavowed our having any concern in the matter, he could not see the propriety of the motion, nor of the amendment.

Lord *Hawkesbury* was averse both to the original motion and amendment. When the late unfortunate royal family of France were in the depth of their misfortunes, he recollected there was a discussion in this House, as to the propriety of adopting some measures in their behalf. The debate was adjourned to the following day; and he remembered, that the right hon. gentleman opposite (Mr. Fox) stated, that he could not give his assent to the address to his majesty, because he was not prepared to take any step in consequence;* by which he understood him to mean, that he was not prepared, if the measures should prove ineffectual, to agree to go to war. Now, he would ask, in the present instance, if the government should intercede with the court of Vienna in behalf of La Fayette, whether the House were prepared to break their alliance with Austria in case of the failure of that intercession? The precedents which had been quoted did not apply to the present case. In the instance of captain Asgill, the application was made, not by the court, but personally by the queen of France. There was only one ground on which the House would be justified in interfering, namely, if the conduct of the court of Vienna, was notoriously unjust and iniquitous. But of this, on the present occasion, the House were not proper judges; for in the first place, they had no authentic statement of facts before them; and in the next, even if they were in possession of the facts, it would be unjust to pass a decision till the court of Vienna was heard in its own defence.

Mr. *Sheridan* said, he would not have troubled the House, since so little had been advanced in opposition to the motion, had they not been brought into a situation of difficulty, in consequence of the amendment. He hoped, however, the motion would not be got rid of by a quibble. The noble lord had asked, if we were prepared to break off our alliance with the Emperor, if our intercessions failed of success? In the first place, there was no reason to anticipate a failure; and in the next, the failure of the attempt by no means implied the necessity of breaking off the alliance. With respect to the precedent of Mr. Asgill which had been disputed, the objection was not well founded; for though the application originated in the queen, it came immediately from the king of France. The gentlemen opposite seemed to triumph in the silence of the right hon. gentleman (Mr. Windham); and the reason, he firmly believed, was, that he might draw aside the mysterious veil from this cruel, barbarous, and vindictive proceeding, with that manly and generous indiscretion by which the House knew his character to be marked. His tongue, he believed, was bound by the same cause as the Emperor's hands; and the House knew pretty well who was the gaoler. He could see no motive for the unprecedented rigor which had been employed against La Fayette, than that which was suggested from his being a steady friend to liberty. He believed him to be a man of inflexible honour, and that he vied with the brightest characters in the English history. To the spirit of a Hampden he united the loyalty of a Falkland. If the court of Vienna was mean enough to take advantage of his helpless situation, he hoped the French

* See Vol. 30, p. 60.

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government, overlooking the past, would reclaim La Fayette and his fellow-sufferers as French citizens. How much such a conduct would suit the generosity and magnanimity of the French republic! and what a contrast it would be of republican resentment and monarchical gratitude, that from this Atheistical government we should learn the principle of the forgiveness of injuries, and lessons of eternal vengeance only from the regular Christian government of kings!

Mr. *Windham* (secretary at war) said, that if he had not intended to speak, he must have risen on the irresistible invitation held out to him in the latter part of the speech of the hon. gentleman who spoke last. He rose, however, not as that hon. gentleman had so pleasantly surmised, to reveal any thing that secretly lurked in the bosoms of ministers, but to tear the veil from the face of the hon. gentleman and his friends, and show to the House and to the world what was the mysterious motive to their humanity: what it really was that put their feelings in motion, what it was that suggested to them the extraordinary notion of selecting the marquis de la Fayette, and marking him out as an object whose misfortunes entitled him to the general sympathy of mankind. The House had been called upon by the hon. general in a speech of much ability, well calculated, from its style and delivery, to excite emotions of pity in their breasts, for a most extraordinary and unusual interposition, on the plea of humanity. The questions that arose from this were—the weight of merit of the sufferer, the degree of humanity to which he was entitled, and the right he derived to be considered a fit subject for general humanity. Before he entered upon the discussion of these topics, he would say a word of the merit of this gentleman who was the subject of the motion, as he stood with regard to this country. He had been one of the most active and irreconcileable enemies of England, in the American revolution. His visit to this country, immediately previous to that step, was at best not quite correct. It was hardly to be supposed that he would designedly go there, fresh from the hospitality and civilities of this country, if he had not had some view injurious to it. He mentioned this merely to show, that this gentleman, who had been held out for our particular favour and interposition, was, at best, a perfect stranger to us, and could be viewed by us in no other light, than as one of those who rose and fell in the course of the Frence revolution.

Viewing him, then, only as a person bearing a share in that revolution, he conceived there was nothing to be seen in him different from those ambiguous or worse men, who, in a spirit of perverted and unjustifiable ambition, introduced that fatal revolution into their country, and paused when the ruin had been irretrievably done. To him, and those who thought with him, that the authors of that revolution had been the bitterest enemies of mankind, M. de la Fayette was no object of esteem or favour; and, if as a stranger he was to be considered at all, must be considered to disadvantage. With the hon. gentleman who made the motion, however, the marquis stood in a different situation: there were ties between them of a personal kind—for in early life a friendship subsisted between them, which the hon. general (much to his own credit, no doubt), would not suffer to be lost or obliterated, when his friend was in difficulty and distress. While he bore this testimony to the hon. gentleman's heart, he must, in justice bear testimony to his ability also; and particularly to the singular address which he displayed in urging, with all its force, those parts of the case which were most likely to kindle feelings of sympathy in his auditors, while he touched slightly upon that part which was weak and untenable, namely, the fact of the seizure of M. de la Fayette, as contrary to the law of nations. This question had been before discussed, and from the first mention of it, it had been, and still continued to be, his unalterable opinion, that whether on the point of his having ceased to act with hostility, or on the point of his having been taken upon neutral ground, the arrest was not contrary to the law of nations or of justice: for he was taken in the character of an enemy, which he could not lay aside at will, when it served his purposes. When two nations were at war, it did not depend upon one party only when the war was to cease; nor was it competent to one country, or any individual of either country, to divest himself of the character of an enemy, or claim the privileges of peace, without the concurrence of the other. It was certain, that the friend of our enemy was our enemy; but it did not follow that the converse

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of that was true, and that the enemy of our enemy was our friend. However the demands of personal safety, or the ruin of his ambitious schemes, had made the marquis an enemy to the men who at that time filled the usurped government of France, his hostility to Austria was not less than before, nor was he competent to divest himself of it, all at once, for his own convenience. As to the question of his being taken on neutral ground, it was one with which neither of the contending parties had any thing to do. To the third, or neutral power, on whose territory he was taken, and to it alone, it belonged to complain of the act as an infraction of neutrality; so that neither France nor America, and still less England, had any thing to do with it. Viewing the transaction, therefore, in its own direct form, and in all its relations, there was no injustice in it with regard to the infraction of neutrality, no violation of the law of nations.

The marquis de la Fayette was, therefore, to be considered by the House (since he was forced upon their deliberations) first, as a prisoner of war, under the ordinary law of nations, and next, as a stranger to England. This last position no one could deny. He was not a native, nor had he been naturalized; he had never been in our service; he had never been even our prisoner; this country had no share in him or his services; he was no inhabitant of any country which had been conquered and delivered up to the king of Great Britain; he was not one of those who embodied in the cause of their lawful monarch and government, or joined those who ranged under the banners of England, and were murdered in cold blood by their enemies; he never had even constructively put himself under the protection of this country; he had never been friendly to her interests. So that he was as completely separate from this country, its interests, or its favours, as any other person whatsoever on the face of the globe. On the subject of La Fayette's merit in the revolution he would say but little. it had, in fact, been so slenderly relied upon by the hon. gentleman, that it was unnecessary for him to enter much into it; but never, never should be forgotten his gross and criminal neglect in June 1789; never his conduct on the memorable 5th and 6th of October, in which there was clear and evident matter for condemnation, which, with the fate that subsequently attended him, should be an eternal lesson to all those who, actuated by similar motives of guilty ambition, would bring ruin on their country. When at the head of the National Guards, did he lead them, as was his duty, to the relief of his king? If he had not done so, what excuse could be offered for him? Would it be said, that he acted under the impression of terror for himself? If so, would they insist upon that as an excuse? or would they say, that he ought not to have risked his life. A soldier, honoured with such rank and favour, commanding the guards, could not have fallen in a nobler cause. He ought, even though certain of death, to have encountered it in discharge of his duty, and expiated, in some sort, the great calamities his ambition had occasioned. His own excuse was, that he had no command over the guards; but what could be said of a man, who having declared that he had no command over troops, continued nevertheless along with them? He should have retired, and in repentance endeavoured to atone for the ruin he had made. But no: it was well understood what part he played, and what end he had in view. After having amused the king with a promise that there was no danger, which threw him off his guard; after the palace had been forced, and the royal family placed in imminent danger, he appeared. Lulled into security by his promises, the king and queen had gone to rest: the mob burst so suddenly into the palace, that her majesty was obliged to escape undressed. La Fayette said, that no farther violence would be offered; but when called for, he was not in town. For how much mischief was he not answerable!

Having so far shown the culpable conduct of La Fayette, he would now go to the great act of merit to which the friends of the marquis had been obliged to resort for want of better, and on which they seemed to lay so much reliance, as an act that was to redeem all that he had done before, namely, his merit in shaking and breaking down that constitution which had for ages existed, and which, though abused, was yet capable of reformation. Appeal had been made to his conduct, in having saved the king from that very danger into which his machinations had betrayed him; to all which he (Mr. W.) gave no credit, nor, he believed, would the House, or any unprejudiced rational person—no, not an iota of credit

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farther than this, that his ambitious strides had brought him to a period at which he was obliged to stop; and that he refrained from his own factious proceedings only when a more furious faction threatened to overpower him. He would not say, for he did not believe, that La Fayette wished entirely to destroy the king, or to erect a republic in the place of the monarchy, but that he wished to lower the king to a state of independence on himself, and to be, like Trinculo in the Tempest, "viceroy over him." To encounter such evidence of guilt, stronger proofs than any which had been adduced were necessary. Considering the temper and opinions of the hon. gentlemen opposite, it appeared somewhat extraordinary that they should be advocates for La Fayette. They might be supposed to forgive his "treachery to his sovereign the king," but how could they pardon him for the more abominable crime of "treason to the sovereign people?" This was one of the monstrous inconsistencies in which the conductors of revolutions necessarily involved themselves. If La Fayette was fallen into misery, he had fallen a victim of his own act, and his own principles. He had brought himself into that state into which all fomentors of great and ruinous revolutions must necessarily fall. He had betrayed and ruined his country and his king, and took refuge for his character and conscience in his own defeat; claiming merit for stopping just at that point, beyond which it was out of his power to go; and then he became the enemy of those whom he had made the instrument of his designs upon the king. He was the first to bring destruction upon the supreme power, and the first that turned against the Jacobins. That he was the author of infinite calamities, no one would deny, of what his motives had been, there was no proof; but there was no more presumption in favour of his innocence, than there was in favour of any of the other persons who were concerned in that horrible transaction.

M. La Fayette, then, being thus proved to be, as to England, a total stranger, the question to which he proposed next to advert was, that of humanity, which, in point of fact, was the whole question of the night. With respect to the rigour with which that gentleman was described to have been treated, he believed there was much of exaggeration in it; but taken as a subject of humanity to work upon, he did not see how or why it should be separated, as it were, and selected from others. As the mere suffering of an individual, it must certainly excite pity: there was no case of calamity whatever, which, if seen abstracted from other considerations, but must excite the feelings of every one deserving the name of man. In this view all cases of suffering had a right to be considered: but was every case, public or private, to draw interposition in its behalf? Did gentlemen look round, and consider the innumerable calamities that by the wise dispositions of Providence, beset human nature on every side, and offered so many subjects of appeal to our commiseration? Did they recollect how many, without offence or fault of magnitude, but merely under the influence of error, were drinking of the bitterest cup of life, to which it was impossible to extend interposition. Did they consider how many there were besides La Fayette, pining in confinement, for debt or for crime? To see or think of a human creature enduring the rigours of imprisonment, or being carried to the execution of that punishment which the laws award for the expiation of crime, abstractedly, must wring the heart of any man with sympathizing commiseration; but men should not, in such cases, consider the suffering separate from the causes and circumstances which occasioned it; humanity would kindle compassion; but reason must overrule that feeling in consideration of the cause. This was the reigning practical fallacy by which questions of a very simple nature were attempted to be confounded. In the number of those who had produced the French revolution, and followed it up with those enormities which had surpassed all that poets had ever fancied, there were many who viewing their sufferings in naked abstraction, would excite compassion. For instance, that gentleman named Collot d'Herbois—he was condemned to Guiana, to which place vast numbers of the most learned and venerable men existing, the clergy of France, had also been condemned, for no other reason but because they refused to abjure their religion, deny their God, and act in contradiction to their consciences. The place was chosen as that in which human nature would be most exposed to suffer, and every thing was done to render the natural evils of the country more dreadful and destructive. If we were to abstract the

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sufferings of the wretch from the crimes that led to it, we could not but wish him rescued from such misery. We would say (perhaps as others may say in nearly similar cases), "'Tis true Collot d'Herbois killed many thousand people; 'tis true, that when the guillotines were insufficient, and the executioners were fatigued with putting them to death, he sent them, for more speedy dispatch, into a great square, where he fired upon them with cannon, and ordered in a party of cavalry to cut and trample to death the few who had escaped the guns; but 'tis also true, that the thing is passed; and that the men are in their graves, and cannot be brought to life again. Poor Collot! He is not the better for being in Guiana—what is the use of it—let us send for him, and bring him home—how can men of feeling think of prolonging the punishment of poor Collot d'Herbois!' This was a perfect illustration of that false humanity by which gentlemen wished the House now to be guided; but he would tell them, that true humanity taught a different lesson, and interdicted the practice of that spurious imposture under the name of it, which they advised. Mankind were not formed to pity at once the oppressed and the oppressor; the choice of the hon. gentlemen opposite, was, to take up and espouse the cause of the oppressor; but for his part, he would take up and espouse that of the oppressed. He could not separate the idea of M. La Fayette from the millions who were suffering by his crimes. Did gentlemen doubt it? Let them look into our streets, and see men equal to La Fayette in honour, in rank, in talents, in courage, in every valuable quality which his warmest advocates could boast that he possessed, exiled from home, ruined by the revolution, of which he was the leader and instigator, and involved in misery, in wretchedness, and beggary, by his crimes. Did gentlemen who urged this measure know, or rather was it possible they should not know, that the opinion of all the best informed men in France was, that La Fayette's conduct to the king was cruel, ferocious, and unmanly? And was it not universally known, from those who were in the confidence of the queen of France, that that august and magnanimous personage often declared, he was the only man she could never forgive? She was often heard to say, she could forgive Barnave, nay, would interpose between him and the stroke of the executioner—but never could or would forgive La Fayette.

Having discussed these points, he would now apply himself to a part which would bring the House nearer to the consideration of the propriety of interference. Would the House, he asked, believe that the Emperor was unmindful of his consanguinity with the royal sufferers under this man's plans? Could they suppose that that monarch, knowing all that had been just stated to be true, could fail of harbouring a just indignation against the author of his near relation's calamities and death? And were we, without being apprized what his designs were, or what his actual treatment of La Fayette, to interpose with respect to his mode of treating the personal author of such crimes? Surely not: it would be not only impolitic and impertinent, as respecting ourselves, but extremely indecent and improper, as regarding his imperial majesty, to interpose in a case that lay so very near him. In answer to an hon. gentleman who had countenanced the motion by a speech and an amendment, and in whose opinion it was our duty to go about Europe to dictate rules of policy, he would say, that his sentiments had overleaped the distinction made by the hon. gentleman opposite to him, for the same pitiable representation and relief which they confined to one, he would extend to all; so that where was the work of the House in interference to stop? While scenes of misery in gross and in detail surrounded us, and impressed upon our senses, whichsoever way we looked, how was it that gentlemen were so cold and so callous, as never to be quickened into feeling but by the solitary case of La Fayette? In the greater instances, when the worst of horrors were going forward, when our ears were constantly assailed with the cries of one-half of france murdering the other, did the House forget that the very suspicion that those sufferings were the motives to our interference, was sufficient to illegitimate all other causes of war; that this so vitiated it in gentlemen's estimation, that the whole formula of their objections, construed into plainer language, was, that the war was unjust and detestable, because excited by feelings for such misery and destruction! If gentlemen wished for proper objects for the exercise of their humane feelings, let them look to the thirty thousand priests pining in the prisons of

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France. They, however, thought more of that one man in the prison of Olmutz. There was, indeed, something capricious and fanciful in their taste in objects of humanity. But of this it might be said, as of taste in other respects, *de gustibus non disputandum.* Gentlemen boasted pretty largely of humanity and feeling, at the expense of others. Nothing was more mean or dishonest, than to endeavour to catch at reputation by a display of virtue at other persons cost; to be courageous with other men's valour; to be generous with other men's money; to be charitable and magnanimous at the expense of the feelings of others. Thus displayed, instead of virtues they were vices. Dean Swift says, "that all men can bear the misfortunes of others with Christian like spirit." So these gentlemen opposite were very liberal in forgiving injuries done to Austria and the queen of France. The merit of this, however, was not very striking. He had no hesitation in saying, that he felt very little consideration for the beginners of revolutions. M. de la Fayette had been the first to attack the ancient monarchy of France; and though he stopped short when he found that his own mischievous principles were turning against his views, though he had no objection to continuing the king upon his throne, provided that he might be viceroy over him, yet he could not feel for a man who was the author of a conflict that led to such horrors. Well or ill intentioned, he had been the author of the attack on the ancient system, which led to all these massacres; and he should ever hold out as objects of marked reprobation and of punishment, the beginners of revolutions. The mass who might follow them, the lower ranks of society, who, from various causes, might partake in the violence, were easy to be forgiven; but men of rank, who from motives of ambition, originated revolutions of established governments in any country, were justly to be regarded with horror, and true humanity must be eager for their punishment. Besides, how could they enter into all the views of the Emperor? There might be political motives mixed with the measure, of which they could not judge. It was well known that there were persons, both in France and out of it, who were anxious to exalt Fayette as the grand champion of liberty, that they might be able to cabal with him, to raise a new standard, and to bring about new revolutions in France and elsewhere. How could gentlemen tell, then, that the conduct of the Emperor might not be dictated by a wise and prudent policy, to keep this man fast, and prevent his committing new horrors? It was curious too, that though there were two more persons in the same gaol with Fayette, he alone was mentioned with distinguished praise—he alone was the theme of condolence, by those persons who made the war the eternal burden of their song, but who never felt for the many thousands of unhappy victims which that war had made, and of which war the authors of the revolution must be considered as the true authors. He again repeated, that the most just vengeance was due chiefly to those, who, abounding in all good things, and filled with spleen and impatience drawn from the excessive enjoyments of life, with no haste to privation of their own comforts, with not one bit of nun's flesh about them, would, for their own vile purposes, sport with the happiness of mankind, and play the deep and damnable game of ambition. He would not be sorry—indeed he should rejoice,—to see such men drink deep of the cup of calamity which they had prepared for the lips of others. On the whole, this was not a question of sentiment, but of prudence, policy, and general morality. If there were any grounds separate from those mentioned to sanction interference, he had no objection to interference being attempted; but he never would consent, nor would the House, he hoped, in the absence of other reasons, consent to do an act which would put a premium on revolution, give the sanction of example to treason, and of reward to rebellion.

Mr. *Fox* said, that the right hon. gentleman had shewn himself to be counsel against M. de la Fayette, and, like an advocate, had endeavoured to search through all his life for accusations against him. In this course, however, he had brought some heavy charges indeed upon the Emperor. According to the right hon. gentleman, no hypocrisy could be more glaring than that of the Emperor, for the declarations which he had made were not the true motives of his conduct. Fayette was said to be detained on account of the particular enmity which the late queen of France bore towards him. It so happened, however, that two more persons were confined with him, who were not hateful to the queen, one of whom was

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known to be particularly attached to the interests of the royal family. But if this were really the cause of their treatment, how came it that others, who had been even active in voting the king's death, should have been relieved by the Emperor? Why but that they had the formidable republic of France for their friends, and that Fayette and his companions were unprotected, and had no powerful friend to stand up for them. The right hon. gentleman had discovered also, that it might be owing to policy. The Emperor might dread that La Fayette would enter into a cabal for bringing about a new revolution in France. So that the right hon. gentleman was, in truth, become the ally of the French Republic; he was negotiating for the Directory; he was anxious to save them from the peril of new conspiracies and new machinations. The right hon. gentleman charged the opposition with not commiserating the other victims of the revolution —the emigrant nobles, and other persons who crowded our streets. Mr. Fox said, he could not name a single occasion when they had failed to treat the misfortunes of those persons with commiseration; though, undoubtedly, they had not manifested it in the same way as the ministers of this country. They had not sent them to perish at Quiberon, nor seduced them by promises which were never fulfilled, into situations where no gallantry could save them from the danger to which they were exposed; nor had they refused, even to their memories, the performance of their dying request, in justifying their honour from the disgrace of having advised an enterprise so frantic. But, good God, what sentiments and what doctrines had they not heard that night! What arguments had not the right hon. gentleman advanced! Well or ill intentioned, Fayette ought not to be pardoned, because he was the beginner of the French revolution: he was not to be pardoned, because thousands had fallen through his means! If he was not to be pardoned because thousands had fallen by his means, what must become of the right hon. gentleman himself, and of the minister of England, who had caused rivers of blood to flow by their wild and horrid enterprises? But the beginners of revolutions were the persons to be punished, however moderate and honourable in their views: however patriotic in their conduct; and whatever benefits they may have rendered to their country! Those who came after the beginners, and who might tarnish the cause of liberty by their excesses, were to be pardoned, but not the first beginners! According to this new doctrine, our great ancestors, to whom we have been accustomed to pay almost divine honours for the glorious services they have rendered to man, were men to be execrated and abhorred. Cromwell was a man to be excused by the right hon. gentleman, because he found things prepared, and only took advantage of circumstances; but Hampden, Pym, lord Falkland, the earl of Bedford, and all the illustrious men whom we have been accustomed to reverence, as having not merely rescued their country from intolerable evils, but pursued in their reforms the principle of the most generous humanity and the most disinterested moderation, were objects of eternal execration. Hume was, he thought, severe enough upon Hampden, when he said, that he probably died at the favourable moment for his fame, since, if he had lived, he might perhaps have betrayed principles of violent ambition. But this was nothing to the argument of the right hon. gentleman, since the men who blackened the cause of liberty by their crimes were virtuous in comparison of those who desired only to rescue their country from tyranny, corruption, and abuse. Such was the whole jet of his argument. Collot d'Herbois, according to him, was no object of royal persecution equal to La Fayette; for Collot was a monster whose crimes would defile the cause. Liberty so tarnished could never be attractive, nor recommend itself by the purity and benevolence of its principles. It is not therefore the Collots that they hate, but the Fayettes, who, by the unsullied patriotism of their motives, and the undeviating rectitude of their conduct, prove that true liberty is the parent and companion of all the mil er virtues of the heart. Mr. Fox said, he scorned to allude to any private transactions, but he believed it was well known that the right hon. gentleman was an admirer of the French revolution in its first stages: he now, however, arguing from the violences with which its course had been tarnished, condemned the very principle of the reform of all abuses, and was for perpetuating the misery of the human race. Mr. Fox then showed that La Fayette and his friends were distinguished for their moderation: they had sacrificed

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their popularity to this principle: it was well known that, after the 10th of October, the chief command of the armies of the republic was offered to Fayette. Now, if he had accepted of that offer; if he had shared in all the violences that followed; he might at this day have been one of the Directory; and the right hon. secretary, instead of pursuing the unhappy prisoner with vengeance, might be imploring the powerful director, by an ambassador at Paris, to grant peace to England.

Mr. *Dundas* thanked Mr. Windham for his very powerful speech, which had corrected all the false and delusive notions which had been sported that night. The gentlemen opposite had adopted the amendment of his hon. friend in the hope of collecting all the straggling humanity of the House. He turned round to Mr. Wilberforce, and, in a vein of ironical compliment, appealed to his understanding against the officious character of his humanity. Every one knew how his hon. friend bustled in the cause of charity, how every tale of woe was addressed to him; no misfortune could happen, but his heart must bleed; no sorrow be felt, but his bosom must be wrung! But why could he not feel in secret? Why could he not do good, "and blush to find it fame?" Why must the House of Commons be made a party to the heroics of his humanity? Why must they be made the instrument of his good works? In his mind the House had no business to interfere. They would thereby put his majesty into a very awkward predicament. An address of the House of Commons was a grave and solemn thing. In the present instance, the application to the Emperor might be attended with a refusal, for reasons which it might not be possible to disclose, and then what would be the alternative? Besides, the motion might lay an imputation on the character of the Emperor, and make it appear in Germany, as if he was not supported and beloved in Great Britain, at a time when he had put his empire at stake. The Emperor also, who was our most active and zealous ally, might, from such an address, suppose himself an object of distrust in this country.

The question being put, "That the words proposed to be left out stand part of the question," it passed in the negative.

The question, as amended, being then put, the House divided:

Tellers.

Yeas	General Fitzpatrick - - Mr. Sheridan - - -	50
Noes	Mr. Secretary at War - The Lord Hawkesbury	132

So it passed in the negative.

The King's Message respecting temporary Advances to the Emperor.] Dec. 17. Mr. Pitt presented the following Message from his Majesty:

"George *R.*

"His Majesty thinks proper to acquaint the House of Commons, that he is at present engaged in concerting measures with his allies, in order to be fully prepared for the vigorous and effectual prosecution of the war, if the failure of his majesty's earnest endeavours to effect a general peace, on secure and honourable terms, should unfortunately render another campaign unavoidable: and his majesty will not fail to take the first opportunity to communicate the result of these discussions to the House. In the interval, his majesty conceives that it may be of the greatest importance to the common cause, that his majesty should be enabled to continue such temporary advances for the service of the Emperor, as may be indispensably necessary, with a view to military operations being prosecuted with vigour and effect at an early period; and his majesty recommends it to the House, to consider of making such provision as may appear to them to be most expedient for this purpose. G. *R.*"

Debate in the Commons on the King's Message respecting temporary Advances to the Emperor.] Dec. 19. The order of the day for taking his Majesty's Message into consideration being read,

Mr. *Pitt* said, he had stated to the House, upon a former occasion, that it would very probably be necessary to furnish the Emperor with some farther pecuniary assistance, to enable him to prosecute the war with vigour and effect; the amount of which he had comprised in the sum of three millions. Some advances to the Emperor, the House was apprized, had already been made out of the provision for the extraordinaries; and his majesty now thought proper to acquaint the House that he was at present engaged in concerting measures with his allies, in order to be fully prepared for either alternative, a vigorous prosecution

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of the war, or a secure and honourable peace. In the mean time, however, his majesty conceived it to be of the greatest importance to the common cause, that he should be enabled to continue such temporary advances for the service of the Emperor as might be indispensably necessary for either event. It was his intention, therefore, to move an address of thanks to his majesty for his most gracious message, and afterwards in a committee of supply, to vote that a sum not exceeding 500,000*l.* should be granted to his majesty for the assistance of his ally the Emperor; and that such temporary advances should be made as his majesty's ministers should think fit. He concluded by moving, "That an humble Address be presented to his majesty, to return his majesty the thanks of this House for his most gracious Message: to assure his majesty that this House will, immediately, enter into the consideration of such measures as may appear to them to be most expedient for enabling his majesty to continue such temporary advances to the Emperor, as as may (if the failure of his majesty's earnest endeavours to effect a general peace, on secure and honourable terms, should unfortunately render another campaign unavoidable) be necessary, with a view to the prosecution of military operations with vigour and effect at an early period."

Sir *W. Pulteney* disapproved of the mode by which it was proposed to give the aid to the Emperor, and likewise of the words in which the address was couched. They seemed intended to whitewash the conduct of the right hon. gentleman, and to imply that no censure had been expressed against the manner in which advances to the Emperor had already been made, though there certainly was conveyed in the amendment which passed on a former night, a disapprobation of his conduct, and he was sure it would be considered as such for a hundred years to come. The words of the address implied, that the mode formerly adopted was to be followed. He could not however but disapprove of that mode. The right hon. gentleman had defended himself on a former night chiefly in a commercial view; but the argument he then supported was refuted by an account upon the table. Last year a very favourable loan had been made, and a person who had been disappointed in obtaining the contract, Mr. Morgan, stated that he never calculated upon a loan of three millions to the Emperor, because he conceived it impossible to be carried into effect. On a former night, an hon. bank director had told the House, that a deputation from the bank had informed the minister, that such a measure would be highly injurious to the commercial interests of the country. It was well known what was the true meaning of an advice from a powerful body, however mild the terms in which it was conveyed. From comparing the different rates of discounts of navy bills at the time when the right hon. gentleman had yielded to the idea that it was impossible to remit a loan publicly to the Emperor, it appeared that the discount then was lower than it had been since the navy bills were funded; a measure from which so much advange was expected by the right hon. gentleman. From the mode which had been adopted, the Emperor could not know the extent of the assistance he was to receive, nor in this way could it have the proper effect upon his exertions. There were several causes which had produced the embarrassment that then prevailed. The bank had altered their mode of accommodation in the way of discounts, and had thus taken their revenge on the country for the measure of the right hon. gentleman, of clandestinely remitting sums to the Emperor. The right hon. gentleman seemed desirous to have the Emperor in his power, that he might influence him in the negotiations for peace. The proper way was fairly to come forward with a specific loan. The Emperor did not ask a subsidy; he disdained it. It was by a vote of parliament for the purpose that it should be done. The exertions of the Emperor had saved Europe and this country; for the French would certainly have attempted an invasion, had they succeeded against Austria. The first objection the right hon. gentleman had intimated, as to a loan to the Emperor, was after he had received a hint from the bank, that it would drain the country of its specie. Hints coming from certain quarters sometimes operated as commands. The bank directors tell the minister, there must not be a loan, and it is instantly given up. He could not understand what business they could have to interfere in a measure, in which, the most important interests of Europe might be involved. If a loan was necessary for the Emperor, it certainly ought

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to be granted him, in spite of what the bank directors might say against it. It ought also to be to such an amount as would render him effectual assistance, and enable him, if peace could not be obtained on secure and honourable terms, to carry on the war in the most advantageous manner. He had no idea of the assistance to be afforded to the Emperor being put into the hands of ministers to be meted out to him in such scanty portions as to them might seem proper, and not as the urgency of his affairs might absolutely require. For these reasons, he would move to leave out from the word "expedient" to the end of the question.

Mr. *Samuel Thornton* said, that the bank had opposed the remittance of money from this kingdom, because the directors conceived that such a measure was not, at the time at which it was proposed, well suited to the pecuniary circumstances of the country. But this opinion had not taken its rise in their minds from any regard to the discount of navy bills: it was founded on two points—the course of exchange with Hamburgh, and the price which bullion bore in the market.

Mr. *Nicholls* thought this the commencement of a plan to send more money out of the country. He wished, before such a measure was adopted, that the bank directors should be called to the bar of the House, and examined on the subject. Our coin had diminished, and the sending of treasure out of the country was, in his mind, perilous, whether the sum remitted was made up in money, in bullion, or in goods. The 500,000*l.* now proposed to be sent to the Emperor, was but the beginning of a system; two months hence a similar measure might be pursued; and, as a certain sum of money was indispensably requisite to the circulation of the paper of the country, the state of the coin should be well ascertained before this was agreed to. If it could be adopted without occasioning any stagnation of public currency, he should not resist it. He had been assured by a banker of considerable reputation, that 2 per cent was paid by bankers for the exchange of gold into silver. What was the cause of this, and how it was connected with the question under discussion, he did not know; but of the fact, he had no doubt.

Mr. *Dent* thought that strong language had been used against the bank without any solid cause; for in all his transactions with that company, he had experienced the utmost civility. In regard to what they ought to do respecting the extent of their discounts, they were themselves the best judges. The House had no right to inquire into their arrangements; especially when such inquiries might tend to injure public credit. He considered the act of William, which limited the number of partners in any firm to six, as a measure taken to support that institution; and therefore that any competition with it would be in violation of that act. This showed how much its credit was the object of the attention of government; and as that credit was never greater than when they went hand in hand, he thought the directors would not offer any opposition to a necessary measure of government. Admitting that the plan of competition with the bank, which he understood was in agitation, should take place, he felt no hesitation in asserting, that the one would continue to enjoy that share of public confidence which its punctuality had always merited, while the other would be nothing but a bank in air.

Mr. *Fox* said, it was now a fact not disputed, that a large sum of money had been sent to the Emperor during the sitting of parliament, and no intimation of that event had been given to the House. The sum which was now suggested was, with him, a trifling consideration, when compared with the danger of the principle on which it was proposed to be voted, and the practice which the minister might follow it up with; since, after this vote, he might send money to the Emperor without the consent of parliament, in the same way as he had done already. Suppose the House granted the sum of 500,000*l.* as now proposed; and suppose also, that the House should express itself in the clearest manner as to the mode in which this money was to be applied. What then? The minister would, in the mean time, advance as much more money to the Emperor as he should think fit; or, if he should think fit, he would withhold any part, or the whole of it. The House might express themselves in their address to his majesty as correctly as they pleased; they might limit the application of the money in what way they pleased; the minister would afterwards apply the money as he should think fit; he would afterwards, whenever he condescended to address parliament on the subject, tell

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them, that it was true he did not apply the money specifically as voted by the House, for that the exigencies of the public service required he should apply it in another manner. This, in the opinion of some persons, might be a very proper way of carrying on the affairs of government. Some might think that the minister might come to parliament at any time; to which he must say, that his chief objection was to the House of Commons carrying on such a farce and delusion to the public, by pretending that it had any thing to do with the ways and means, over which it no longer continued to exercise any power of control. He would vote for the amendment, because it tended, in some degree, to show that delusion to the public. He had listened with great attention to the hon. baronet, and he was ready to confess, although there were some parts of his speech which he agreed with perfectly, there were other parts with which he could not agree. The latter was the case with regard to what he had said of the bank. The bank, in his opinion, were the sole judges of the manner in which they should manage their discounts. The public had no right to interfere in that business, nor had the House any authority upon the subject. It was not, in his opinion, their business to express either praise or censure upon the bank in its conduct with regard to discounts. But if the House had what it ought to have, what it formerly had, the control of the finances of the country, and the bank were compelled to adopt a certain mode different from their usual one, that was to narrow their discounts, in consequence of the conduct of the House in financial affairs, then, indeed, the observation of the hon. baronet would be applicable; for certain it was, that the conduct of the House might compel the bank to narrow their discounts, supposing the House to have the control of the application of public money. He was not now questioning how far we ought to advance money to the Emperor; but if we were, at all events to give the Emperor farther pecuniary aid, it would be better in the shape of a subsidy than in that of a loan; for the security for the repayment of a loan was very precarious. When we granted a subsidy we stipulated for something as an equivalent; when we made a loan, there was to be considered the probability of repayment, which was not, in his opinion, very great. The House therefore, instead of entrusting these matters to the minister, ought to confide in its own judgment. This was, in some measure, the object of the amendment; and therefore he should vote for it.

The question being put, "That the words proposed to be left out stand part of the question," it was resolved in the affirmative. Mr. Sheridan then moved, that the following words be added to the Address: "his majesty's faithful Commons having thus manifested their determination to enable his majesty to give such assistance to his majesty's ally the Emperor, as may be indispensably necessary in the unfortunate event of an unfavourable issue to the present negotiations for peace, feel it equally incumbent on them not to omit this occasion of expressing their deep regret, that his majesty's ministers should in recent instances, have presumed to issue similar assistances to the Emperor, and to a large amount, without any previous application to parliament to enable his majesty so to do; thereby acting, as his majesty's gracious message appears in a great measure to admit, in defiance of the established practice, and in violation of the constitutional privileges of this House." And the question being put, That those words be there added; it passed in the negative. The Address was then agreed to; and the House having resolved itself into a Committee of Supply,

Mr. Pitt moved, "That a sum, not exceeding 500,000*l.* be granted to his majesty, upon account, to enable his majesty to make such temporary advances, by way of loan, for the service of the Emperor, at such times, and in such manner, as his majesty may judge most expedient, with a view to the prosecution of military operations in an early period of another campaign."

After a short debate, in the course of which, it was opposed by Mr. Fox, Mr. Grey, and Mr. Sheridan, and supported by Mr. Pitt, the Resolution was agreed to.

Debate on the East India Budget.] Dec. 20. The House having resolved itself into a Committee of the whole House, to take into consideration the East India Company's Revenue Accounts,

Mr. Secretary *Dundas* rose and said:—The progressive improvement in the

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affairs of the East India company, exhibited in the accounts now before the committee, must afford them real satisfaction. The plan which was adopted some years ago, of laying before parliament an annual view of the company's affairs, both at home and abroad, has been productive of the most beneficial effects. I shall, in the first place, present the result or consequence of the various accounts from India; then the combined result of the whole; afterwards the result of the company's home accounts; and lastly, the grand result of all the accounts, both at home and abroad. The accounts of the different settlements abroad are comprised in three distinct classes. 1. An account of the average of the three last years, that a judgment may be formed of future estimates. 2. A comparison between the estimated and actual account of the last year, to decide how far these expectations had been verified. 3. An estimate of what is likely to be the future receipts and disbursements of the company's territories.

BENGAL.—The first three columns of the account No. 1, comprise the amount of the revenues of this presidency, for the three years, 1792-3 to 1794-5, the average of which is 5,774,213*l.*, and is 348,895*l.* more than the average of the three preceding years, stated to the committee last year. The next account is No. 3, being a comparison between the estimated and actual amount of the revenues and charges of Bengal for 1794-5. The estimated amount of the revenues was 5,580,607*l.*, the actual 5,937,931*l.*, being an excess above the estimate of 357,324*l.* But although the revenues in 1794-5 have so far exceeded the estimate, the charges have also increased. They were estimated at 3,278,635*l.*; the actual amount was 3,477,396*l.*, being more than estimated 198,761*l.* This is principally accounted for by the expense of the armament which acted with so much effect against the French cruizers in the Indian seas: also by the increase of judicial charges, occasioned by the extension and improvement of the system adopted for the administration of justice, regulating the police, &c. Deducting the excess of charge from the excess of revenue, the actual account is better than the estimate by 158,563*l.* The total nett revenue of this presidency, in the year, was 2,460,535*l.* The revenues and charges for the year 1795-6, are computed to amount to 5,631,278*l.*, and the charges to 3,508,823*l.*, leaving a nett revenue of 2,122,455*l.*

MADRASS.—The revenues for 1794-5 were estimated at 1,855,317*l.*, the actual amount was 1,775,782*l.* being less than the estimate 79,535*l.* The charges were estimated to amount to 1,782,247*l.*; The actual amount was 1,769,125*l.*; less than estimated 13,122*l.* This sum deducted from the deficiency in the actual revenues, shows that the actual account is worse than the estimated, by 66,413*l.* The revenues for 1795-6, are calculated to amount to 2,024,030*l.*, and the charges to 1,844,787*l.*, leaving a nett revenue of 179,243*l.*

BOMBAY.—The revenues of this settlement, on an average of three years, from 1792-3 to 1794-5, amounted to 281,257*l.* The revenues for 1794-5 were estimated at 352,362*l.* The actual revenues were 312,480*l.*, which is less than the estimate 39,882*l.* The charges were estimated, for this year, at 757,551*l.* The actual amount was 697,924*l.*, being less than estimated 59,627*l.* On the whole, deducting the deficiency of revenues from the deficiency of charges, the account in the result is better than was estimated by 19,745*l.* By the estimate for 1795-6, the revenues are stated at 269,776*l.*, the charges at 718,901*l.*, making an excess in the charges of 449,125*l.*

BENCOOLEN, PINANG, &c.—The revenues collected at Fort Marlborough, on an average of three years, were 4,653*l.*, and the charges 59,598*l.* The supplies to those settlements, in 1794-5, were estimated at 104,632*l.*, and amounted to 74,857*l.*, being less than the estimate 29,775*l.* The supplies for the following year are estimated at 81,780*l.*

GENERAL VIEW.—According to the several statements of the revenues and charges for 1794-5, the result from the whole, collectively, is as follows:

		£.
REVENUES.—Bengal	£.5,937,931	
Madras ..	1,775,782	
Bombay .	312,480	
		8,026,193
CHARGES.—Bengal ..	3,477,396	
Madras ..	1,769,125	
Bombay ..	697,924	
		5,944,445
Nett revenues of the three Presidencies		2,081,748
Deduct supplies to Bencoolen, &c.		74,857
Surplus revenues 1794-5		2,006,891

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Deduct interest on debts	484,301
Surplus from the territorial revenues	1,522,590
To which add the amount of the sales of imports, certificates, &c.	562,177
And the sum applicable to the purchase of investments, payment of commercial charges in 1794-5 would be	2,084,767

The disposition of this sum was as follows:

	£.	£.
At Bengal for investments, charges, &c.	1,108,449	
Madras, ditto	536,808	
Bombay, ditto	166,636	
Bencoolen ditto	26,552	
		1,838,445
This sum is short of the nett surplus by		246,322

ESTIMATES FOR 1795-6.

REVENUES.—Bengal £.	5,631,278	
Madras .	2,024,030	
Bombay .	269,776	
		7,925,084
CHARGES.—Bengal ..	3,508,823	
Madras ..	1,844,787	
Bombay ..	718,901	
		6,072,511
Supplies to Bencoolen, &c.		81,780
Nett revenue		1,770,793
Interest on debts		400,252
Nett estimated surplus revenue .		1,370,541
Add, No. 15, expected amount of sales of imports, certificates, &c.		424,625
Amount estimated to be applicable to purchase of investments, payments of commercial charges, &c.		1,795,166
Which was less than the actual amount of last year by		289,601

DEBTS IN INDIA.

Amount stated last year	7,305,462
Amount this year	6,813,737
Decrease	491,715
Increase of assets	59,665
The company's affairs in India were better by	551,390

HOME ACCOUNTS.—The sales of the company's goods were estimated at 5,517,500*l.*, and actually amounted to 6,588,969*l.*, making an actual excess of 1,071,469*l.* The charges and profit on private-trade were estimated at 60,000*l.*, the actual amount was 148,417*l.*, being more than the estimate 88,417*l.* The general result of the receipts and payments at home, in the year ending 1st March 1796, compared with the estimate for the same period, is as follows, viz. The estimate supposed that the balance of cash would be deficient in the sum of 371,838*l.*, whereas the balance actually remaining was 459,398*l.*, after paying off 498,225*l.* of the bonded debt, having only borrowed 150,000*l.* of the bank; which makes a difference in favour of the actual accounts of 831,236*l.* There was a striking reverse in regard to the future estimates for the year 1796-7, which required some explanation. Two accounts had been presented, the first prepared at periods directed by the act, and the other prepared from a variation of circumstances on the 31st of October; and the difference of these two estimates was 1,147,123*l.*; but no blame could be thrown upon the company, since the circumstances, of which gentlemen were sufficiently apprized, were not then in view.

DEBTS AT HOME.—The debts at home, on the 1st March 1795, amounted to 6,946,323*l.* On the 1st March last 7,474,700*l.* Increase in the last year 528,377*l.* This is accounted for by two articles; first, a number of bonds granted to the creditors of the rajah of Tanjore, the company having engaged to discharge a large portion of his debts by instalments at home. This, at the same time that it accommodates the creditors, will produce a considerable gain to the company in the annual interest; they amounted to 235,198*l.* There was also owing for Dutch East-India goods, sold at the company's sales 292,974*l.*

ASSETS AT HOME AND AFLOAT.—But, as a counterbalance to this increase of debts, I have now to state to the committee the increased value of the company's assets. These, consisting of the annuities owing to them by government, cash in the treasury, goods sold not paid for, goods unsold and afloat, impress to owners of ships, value of vessels, and of the company's house and warehouses, are stated at 12,024,312*l.*, the same articles were stated last year to amount to 10,413,354*l.*, the value of these is, therefore, more now than in the last year, by 1,610,958*l.*, and if from this is deducted the increase of debts at home 528,377*l.*, the state of the company's affairs at home, in March 1796, appears to have been

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better than in the preceding year, by 1,082,581*l.*

The balance of the company's commercial transaction at China, and the value of their assets at St. Helena, amount to 581,174*l.* By the last year's statement, they were 979,152*l.*; the balance is less therefore in this year, by 397,978*l.*

In order to combine in one view the concerns of the company, both at home and abroad, that the committee may be informed of the variations in the last year, in the amount of the debts and valuation of the assets, the particulars are collected into one general result.

	£.
The decrease of debts in India, already stated, is	491,725
The increase of debts at home	528,377
Increase of debts	36,652
Increase of assets	1,272,645
Deduct increase of debts ...	36,652
The general improvement is	1,235,993
The balance of stock by computation last year was	5,493,774
This year it is	6,734,264
Better this year	1,240,490

Having stated, I hope, to the satisfaction of the committee, every circumstance which occurred to me as necessary to the elucidation of the accounts now before them, I shall have occasion to request their particular attention to a few other points, in order to give, candidly, my opinion of what may fairly be expected from the present state of the affairs of the East-India company, either in India or at home. That there is at present a very considerable surplus of revenue in India has been clearly demonstrated; and, though it is satisfactory to observe, that this surplus has reached its present amount in a progressive way, it becomes requisite to apprize the committee, not to reckon upon so large a sum for future appropriation. The necessity of this caution arises from two causes: for though the fact is, with regard to the revenues from Bengal of the year 1794-5, that there was not a single item in which the actual accounts of that year had not exceeded the estimate, so favourable an event is not expected in the next and following years. The deficiency to be expected on the revenue side, is under the head of opium, which is not so productive a resource as formerly. The enlarged demand and profitable sale in the few past years, warranted a considerable extension of the manufacture. The principal mart is in the islands of the eastern seas. This channel of trade has been interrupted in different ways. A considerable portion of the shipping belonging to the country trade has been employed in other channels. The war with the Dutch must be considered as another reason of the failure. To the war, in general, must also be attributed the increased price of freight and insurance; these must add to the price of the commodity; and when that price is increased to a certain rate, it becomes beyond the reach of the classes of the people who are generally the consumers of it. It is still satisfactory to know, that the interruption of this source of revenue is only temporary. The revenue side, therefore, with the exception of opium, continues to wear every appearance of progressive and increasing prosperity: but, on the other hand, the charges of Bengal and of the other settlements will suffer an addition, which must materially affect the surplus of the revenues of India in future. In my observations last year, I stated the claims of the meritorious officers of the company's army, the grievances they had to complain of, as also the intention to redress them. The committee are already informed, that certain military arrangements and regulations have been sent out to India: it therefore remains for me to observe, that these regulations were framed with all the deliberation and care which the importance of the case demanded; and though it was desirable to afford relief to the utmost extent possible, still it became a part of duty and prudence, to proportion that relief to the state of the funds. The redress of the grievances under which these deserving men have long laboured, has however, been the grand object of attention. The first of these was, the point of rank. By the constitution of the company's army, no officer, however meritorious, and however long the period of his service, could attain a rank higher than that of colonel: this circumstance had long born hard on the feelings of the officers, as it lessened their importance, in the comparison with other troops of these dominions. The second, was a circumstance of extreme hardship, namely, the officers were de-

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prived of all pay, whenever they returned to their native country, however dire the necessity which was the occasion of that return. This was a measure distressing in a peculiar degree, as it left to the brave officer, who by a long series of arduous service had injured his health, or perhaps totally ruined his constitution no alternative, but that of returning home entirely unprovided for, except under particular cases, or continuing in India, and retaining his pay at the price of his health, until he parted with pay and life together. Humanity and justice called for a redress of these defects in the military system; and, therefore, such regulations were established as were judged adequate to the purpose. It must give satisfaction to know, that they were so received in India, by, at least, the generality of those whose approbation must be considered as valuable; and if, in so numerous a body, there should be found a few instances of a contrary disposition, I can never bring myself to repent of having sanctioned a measure the justice of which I am so fully convinced of.

Notwithstanding these circumstances, the appearance of the affairs of the East India company, is most favourable; and this satisfaction is increased, by being contrasted with those periods, when the deliberation was, whether the company was not in an absolute state of bankruptcy and whether any possible arrangement could be devised to save them from utter ruin. The predictions I then ventured to make have been all fully justified by the events. That the prosperity has been hitherto progressive, is fully ascertained; and there is every prospect of this prosperity being considerably augmented. The internal tranquillity is not likely, at present to suffer interruption. The most friendly intercourse exists with all the powers upon the continent; and a treaty has been concluded with the rajah of Travencore, from which great advantages may be expected. The war which agitates Europe has not reached the company's possessions, nor is it likely to do so with any serious effect: indeed, hitherto, it has been so far from being the case, that the most splendid and valuable conquests have been achieved; and it must ever be the subject of the highest gratification to reflect, that of all the conquests that were ever made by this country, those of the Cape of Good Hope, of the island of Ceylon, and of the eastern islands, were accomplished at the least expense of lives and treasure.

But the best possible proof of the real improvement of the country, is to be found in its increasing population. By a minute of sir John Shore, the present governor general, it appears, that in the provinces under the immediate direction of the Bengal government, this has been the case in a remarkable degree, from the wise and benevolent system established by the marquis Cornwallis. The good effects of this system are observed in the growing happiness and increasing prosperity of that country: the laws are mildly and justly administered; security is attached to property; persons are treated with respect; due encouragement is given to industry; and the comfort of the people at large is so effectually consulted, that the inhabitants of other countries are glad to quit their native abodes to partake of such extensive advantages. And, if there was no other circumstance to corroborate the assertions made, as to the increasing population of the country, the improvement of the revenue from salt fully substantiates the fact. This article, which formerly was scarcely reckoned upon as a resource, is now become a most productive one. The increase has been progressive, and present appearances warrant the conclusion that the profits upon it will be permanent. The forced services of a certain description of molunghees, or salt-makers, has been not only entirely abolished, but this class of industrious people, by late arrangements, have been allowed to reap the whole advantage of their labours, in common with others whose services were not compulsory, and an increased price has been given to both classes. Other modes of manufacture have likewise been attempted with success; and as it appears, that the manufacture in Bengal has been followed to nearly as great an extent as the salt districts will admit, to prevent any apprehension of a failure in a supply of this grand necessary of life, in consequence of the increasing number of inhabitants in the provinces, other sources are opened. It has, for some years, been usual to import certain quantities of salt from the company's possessions in the circars: measures are now adopted for an enlarged importation from those parts. It has also been found expedient to allow of an importation from the Mahratta districts.

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The increased extent of the districts under the government of Madras renders it of the most serious importance, that the inhabitants should partake of the same advantages which have been conferred upon those in the Bengal provinces. Attempts have been made to accomplish so desirable an object. As a preparatory measure, very material changes have taken place in the mode of administering the revenues; and it is hoped that, ere long, the minds of the zemindars and renters will be so enlightened, that, suffering no longer their deep-rooted prejudices to interfere with their interests, they will be enabled fully to comprehend the advantages resulting from an absolute, fixed, and permanent right to a possession of their lands, undisturbed by the prospect of an increase in their jumma or rent-roll, When that is once obtained, and the capacity of the countries shall be fully ascertained, it is not only in contemplation to introduce the permanent system, as at Bengal, but also a system of police and judicial arrangement, suited to the habits of the people, whereby the utmost security will attach to persons and property. Many beneficial regulations have been already made; imposts and duties, that were a tax upon industry have been abolished; and every possible encouragement has been held out to the natives engaged in the manufactures, that at the same time the company's investment is benefited, they may receive the full reward of their labours. As to the presidency of Bombay, the revenues can never be expected to equal the expense. The possession of the ceded countries has afforded considerable aid to the revenue, and there is every prospect of improvement therein, from the settlements made with the zemindars and renters.

The attention of the committee is now requested to a few points, in which the domestic affairs are most particularly concerned. With regard to their improvement, the like solid ground of satisfaction is exhibited, as with respect to the foreign. It has appeared, that the sales of the company's goods last year, exceeded the average at which the sales were estimated: the inference therefore is, that when the war shall be concluded, the sales may be expected to increase. But, as it may be asked,—why, under all this improvement, the public have not enjoyed the participation promised a few years ago?—the reply is: no such promise was made absolutely, and without reserve. As these statements are always faithfully reported to the public, the advantage of an appeal to them is obtained: this, in the present instance, becomes the more favourable, as it prevents the effects of misrepresentation, and enables me to quote nearly the express words made use of on that particular occasion: "It will naturally be asked, if the calculations I have submitted to the committee will not, in a great degree, be affected by the continuance of war? Undoubtedly they will, to a certain extent; but, I flatter myself, by no means to the extent which gentlemen may, at first sight, be apt to suppose; for I hope, from the situation of the country with which we are engaged in war, that it is not likely we shall be much disturbed on the continent of India, and, from our naval superiority, I likewise flatter myself, that the interests of the East-India Company and the public may be protected from any material injury by depredations of another nature." Such were my expectations; and it cannot be denied that they have been realized in the event. But the arrangements were calculated in a time of peace, and it was expressly declared, that the participation depended, in a considerable degree, on the continuance of peace. The public did, nevertheless, receive the half of it, in two different years, even in the height of the war; in the present year, indeed nothing has been received, the reason of which is obvious. Although it could not be supposed that a commerce, so extended as that of the East-India Company, could receive protection from the navy, however powerful and vigilant, it has providentially so happened, that my prediction has been so far fulfilled, that, with very trivial exceptions, the East-India ships, both outward and homeward, have safely reached their destined ports: but, from the extraordinary expense of outfit, in consequence of the war, the annual charge of freight has increased in no less a sum than one million sterling. This alone is a sufficient excuse for the failure of the company in this part of their agreement with the public; and affords a solid ground of expectation, that, at the return of peace, every arrear will be discharged, and the engagements will, in future, be fulfilled No reason can be assigned why, at the termination of war, the revenues of India

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or the sales at home, should diminish; no apprehension need then be entertained of unfavourable events, nor distrust in the value and state of the company's concerns. And although the present is not the time to state the value of the Cape of Good Hope, and the late Dutch islands, to this country; yet, as it may be urged by some persons, that the possession of them would be productive of more injury than advantage, I have no scruple in saying, that the possession of the Cape is an advantage to the East-India commerce not easily to be calculated. No rivals in this valuable trade can appear for many years which there will be reason to dread: nor is it likely, that any considerable part of it can be diverted to neighbouring channels. Even before the present war, the foreign companies and ships which traded to India were on the decline, and their intercourse with that country was, in a manner, absorbed and lost in the immense commerce of the British Company. France had once some share in the India trade; but before she can afresh create trading establishments, materials must be found for raising a capital, by which alone a commerce of this nature can flourish. Holland, indeed, before it fell into its present calamitous situation, had a more considerable share in the trade to this quarter of the world; but her precarious resources have been exhausted and ruined, her ships captured, she is without merchants or marine, so that there is little cause to apprehend an injurious change in the affairs of the company of England, from any exertion she is likely to be able to make for some time.

The last point for the attention of the committee is, the expected deficiency of cash on the 1st of March 1797, as by the estimate. It has been already stated, that this deficiency occasions no considerable difference in the company's affairs; because the assets in India have been benefitted, or the debts at home have been diminished, in sums making together nearly the amount. It might also be added, that some of the causes of this embarrassment are of a temporary nature: so large an expenditure for buildings may not be expected another year; nor will some considerable payments, made this year, take place in future. Other reasons might still be adduced, in support of the assertion, that the present deficiency of the cash estimate does not at all clash, either with the favourable view exhibited by the statements, or with the expectations which may be entertained in regard to future prospects: and it must appear evident that the only inference which may fairly and justly be drawn from the circumstance is, that the capital is not in proportion to the extent of the trade; for if that capital was, in 1793, not more than sufficient, it must be completely inadequate on the present enlarged scale of the commerce. That an increasing trade requires an increased capital cannot be denied: and if the prudence or propriety of extending that trade, at the risk of adding to the capital at the present moment, is disputed, on account of the disadvantageous mode in which money can be raised, when compared with a time of peace; the answer is, that as all competition with the company in the Oriental trade has been nearly annihilated by the circumstances of the war and other causes, it would not have been wise to have deferred for a moment the taking advantage of such favourable and concurring events, in order to bring the riches of the Ganges and of Canton to the Thames. It therefore remains to propose some method of supplying the present deficiency, and enabling the company to establish themselves in the superiority obtained in the trade to the East. They are already allowed, by an act of parliament, to circulate bonds to the amount of three millions sterling; but the advantage accruing to the buyers at the sales by paying them in, has operated, and is likely to continue to operate, very prejudicially to the company's interest. The bond debt is now reduced to little more than a million; it is therefore neither prudent nor creditable, to risk the means of supporting so extensive a commercial concern on a fund so precarious in its nature. An issue of bonds, to the amount of one million, has been proposed, but cannot be deemed eligible; because they may be returned at times when great inconveniences to the cash concerns might result therefrom: if, however, an additional circulation of bonds, to the amount of 500,000*l.* should absolutely be required as a present supply, the necessity alone of the measure will induce an approval of it. It is the duty of the East-India Company, as a body corporate, permitted by the public to hold a monopoly of a certain valuable branch of trade, and as a body consulting

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their own interest, to adopt the most efficient and most certain method which can be devised, to secure to themselves, upon a permanent basis, the advantages which they are in possession of by the extension of their commerce, even if they did not sustain any immediate pressure. The plan which, in every point of view, appears the most acceptable, is an addition to the capital stock, to the amount of two millions, at such periods, and in such proportions only, as the immediate necessity may require; on account of the inferior price of the stock at this time, compared with the price in the last year of peace. By this means, the company will be relieved from having recourse to the issue of bonds, and the disadvantages their credit is exposed to from the discount upon them, as well as from the inconveniences arising from their being poured in at the sales. This, indeed, is an object so desirable, that I should have recommended an augmentation of the permanent capital, if the present circumstances had not required it.

Mr. Dundas then moved a string of Resolutions, pursuant to his statement, which, after a short conversation, were agreed to.

Poor Bill.] Dec. 22. Mr. *Pitt* rose to renew a motion which he had made in the last parliament, for leave to bring in a bill for the better support and maintenance of the poor. The bill was directed to the same objects which he had last year stated, and which had then experienced the decided approbation of the House. At present he only proposed, that the bill should be read a first and second time, that it might go into a committee, where the blanks would be filled up, and the bill printed before the holidays, in order that during the interval of parliament it might be circulated in the country, and undergo the most serious and mature investigation. He then moved, "That leave be given to bring in a bill for the better Support and Maintenance of the Poor."

Mr. *Sheridan* hoped that the right hon. gentleman would persevere in maturing his system, as he had taken the subject out of the hands of an hon. friend of his (Mr. Whitbread), who would have prosecuted it, if not with equal ability, yet with equal zeal, and perhaps with a greater degree of industry. He wished that the right hon. gentleman had at least entered into a short explanation of the particulars of the plan which he proposed to bring forward.

Mr. *Pitt* said, he certainly had not taken the motion out of the hands of the hon. member. The object of that hon. gentleman's motion was to interfere with the price of labour, and it had been a long established principle, that it was extremely impolitic to control the reward of labour by any positive law. The present plan proceeded upon a larger scale, and imposed no arbitrary regulation upon the price of labour, which would very prudently be left to find its own level.

Leave was given to bring in the bill.

The King's Message respecting the Rupture of the Negotiation for Peace with France.] Dec. 26. Mr. Secretary Dundas presented the following Message from his Majesty:

"GEORGE *R.*

"It is with the utmost concern that his majesty acquaints the House of Commons, that his earnest endeavours to effect the restoration of peace have been unhappily frustrated; and that the negotiation in which he was engaged has been abruptly broken off, by the peremptory refusal of the French government to treat, except upon a basis evidently inadmissible, and by their having in consequence, required his majesty's plenipotentiary to quit Paris within forty-eight hours.

"His Majesty has directed the several memorials and papers which have been exchanged in the course of the late discussion, and the account transmitted to his majesty of its final result, to be laid before the House.

"From these papers his majesty trusts it will be proved to the whole world, that his conduct has been guided by a sincere desire to effect the restoration of peace on principles suited to the relative situation of the belligerent powers, and essential for the permanent interests of his kingdoms, and the general security of Europe; whilst his enemies have advanced pretensions at once inconsistent with those objects, unsupported even on the grounds on which they were professed to rest, and repugnant both to the system established by repeated treaties, and to the principle and practice which have hitherto regulated the intercourse of independent nations.

"In this situation his majesty has the

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consolation of reflecting, that the continuance of the calamities of war can be imputed only to the unjust and exorbitant views of his enemies; and his majesty, looking forward with anxiety to the moment when they may be disposed to act on different principles, places, in the mean time, the fullest reliance, under the protection of Providence, on the wisdom and firmness of his parliament, on the tried value of his forces by sea and land, and on the zeal, public spirit, and resources of his kingdoms, for vigorous and effectual support in the prosecution of a contest which it does not depend on his majesty to terminate, and which involves in it the security and permanent interests of this country, and of Europe. *G. R.*"

A similar message was presented to the Lords, by lord Grenville.

PAPERS RESPECTING THE NEGOTIATION FOR PEACE WITH FRANCE.] Dec. 28. Mr. Canning presented to the House, by his Majesty's command, Copies of the Papers respecting the Negotiation for Peace, of which the following are translations:

PAPERS RESPECTING THE NEGOTIATION FOR PEACE WITH FRANCE.

No. I.—NOTE transmitted by Mr. Wickham to M. Barthelemi; dated Berne, March 8th, 1796.

The undersigned, his Britannic Majesty's minister plenipotentiary to the Swiss cantons, is authorized to convey to Monsieur Barthelemi the desire of his court to be made acquainted, through him, with the dispositions of France in regard to the object of a general pacification. He therefore requests Monsieur Barthelemi to transmit to him in writing (and after having made the necessary inquiries), his answer to the following questions:

1. Is there the disposition in France to open a negotiation with his majesty and his allies for the re-establishment of a general peace, upon just and suitable terms; by sending, for that purpose, ministers to a congress, at such place as may hereafter be agreed upon?

2. Would there be the disposition to communicate to the undersigned the general grounds of a pacification, such as France would be willing to propose; in order that his majesty and his allies might thereupon examine in concert, whether they are such as might serve as the foundation of a negotiation for peace?

3. Or would there be a desire to propose any other way, whatever, for arriving at the same end, that of a general pacification.

The undersigned is authorized to receive from Monsieur Barthelemi the answer to these questions, and to transmit it to his court: but he is not in any manner authorized to enter with him into negotiation or discussion upon these subjects.

W. WICKHAM.

No. II.—NOTE transmitted from M. Barthelemi to Mr. Wickham, dated Basle, 6th Germinal, 4th year of the French Republic, (March 26th, 1796).

The undersigned, ambassador of the French Republic to the Helvetic body, has transmitted to the Executive Directory the note which Mr. Wickham, his Britannic Majesty's minister plenipotentiary to the Swiss cantons, was pleased to convey to him, dated the 8th of March. He has it in command to answer it by an exposition of the sentiments and dispositions of the Executive Directory.

The Directory ardently desires to procure for the French Republic a just, honourable, and solid peace. The step taken by Mr. Wickham would have afforded to the Directory a real satisfaction, if the declaration itself, which that minister makes, of his not having any order, any power to negociate, did not give room to doubt of the sincerity of the pacific intentions of his court. In fact, if it was true that England began to know her real interests, that she wished to open again for herself the sources of abundance and prosperity; if she sought for peace with good faith; would she propose a congress, of which the necessary result must be to render all negotiation endless? Or would she confine herself to the asking in a vague manner that the French government should point out any other way, whatever, for attaining the same object, that of a general pacification?

Is it that this step has had no other object than to obtain for the British government the favourable impression which always accompanies the first overtures for peace? May it not have been accompanied with the hope that they would produce no effect?

However that may be, the Executive Directory, whose policy has no other guides than openness and good faith, will follow, in its explanations, a conduct which shall be wholly conformable to them. Yielding to the ardent desire by which it is animated to procure peace for the French Republic and for all nations, it will not fear to declare itself openly. Charged by the constitution with the execution of the laws, it cannot make or listen to any proposal that would be contrary to them. The constitutional act does not permit it to consent to any alienation of that which, according to the existing laws, constitutes the territory of the Republic.

With respect to the countries occupied by the French armies, and which have not been united to France, they, as well as other interests, political and commercial, may become the subject of a negotiation, which will pre-

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was brought into discussion—that its magnitude forbade all finesse, excluded all prevarication, suspended all prejudices, and that as I had it in command to speak and act with freedom and truth, I expected that he, on his part, would consider these as the only means which could or ought to be employed if he wished to see a negotiation, in which the happiness of millions was involved, terminate successfully. That, for greater precision, and with a view to be clearly understood in what I was about to propose, I would give him a confidential memorial, accompanied by an official note, both which, when he had perused them; would speak for themselves. The memorial contained the conditions, on the accomplishment of which his majesty considered the restoration of peace to depend. The note was expressive of his majesty's readiness to enter into any explanation required by the Directory on the subject, or to receive any *contre-projet*, resting on the same basis, which the Directory might be disposed to give in. That, moreover, I did not hesitate declaring to him, in conformity to the principles which I had laid down, and from which I certainly never should depart, at any period of the negotiation, that I was prepared to answer any questions, explain and elucidate any points, on which it was possible to foresee that doubts or misconceptions could arise on the consideration of these papers. And having said thus much, I had only to remark, that I believed, in no similar negotiation which had ever taken place, any minister was authorized, in the first instance, to go so fully into the discussion as I now was.—That I was sure neither the truth of this remark, nor the manifest conclusion to be drawn from it, would escape M. Delacroix's observation.

I then put the two papers into his hands. He began by reading the note, on which of course he could only express satisfaction. After perusing the confidential memorial with all the attention it deserved, he, after a short pause, said, that it appeared to him to be liable to insurmountable objections; that it seemed to require much more than it conceded, and, in the event, not to leave France in a situation of proportional greatness to the other powers of Europe. He said, the act of their constitution, according to the manner in which it was interpreted by the best publicists (and this phrase is worthy remark) made it impossible for the republic to do what we required. The Austrian Netherlands were annexed to it; they could not be disposed of without flinging the nation into all the confusion which must follow a convocation of the primary assemblies; and he said, he was rather surprised that Great Britain should bring this forward as the governing condition of the treaty, since he thought he had, in some of our late conversations, fully explained the nature of their constitution to me. I replied, that every thing I had heard from him on this point was perfectly in my recollection, as it probably was in his that though I had listened to him with that attention I always afforded to every thing he said, yet I had never made him any sort of reply, and had neither admitted nor controvered his opinion: that although I believed I could easily disprove this opinion from the spirit of the French constitution itself; yet the discussion of that constitution was perfectly foreign to the object of my mission; since, even allowing his two positions, viz. that the retrocession of the Austrian Netherlands was incompatible with their laws, and that we ought to have known that beforehand? yet that there existed a *droit public* in Europe, paramount to any *droit public* they might think proper to establish within their own dominions; and that if their constitution was publicly known the treaties existing between his majesty and the Emperor were at least equally public, and in these it was clearly and distinctly announced, that the two contracting parties reciprocally promise not to lay down their arms without the restitution of all the dominions, territories, &c. which may have belonged to either of them before the war. That the date of this stipulation was previous to their annexing the Austrian Netherlands to France; and the notoriety of this ought, at the very moment when they had passed that law, to have convinced them, that, if adhered to, it must prove an insuperable obstacle to peace. I applied his maxim to the West-India islands, and to the settlements in the East-Indies; and asked him, whether it was expected that we were to wave our right of possession, and be required still to consider them as integral parts of the French republic which must be restored, and on which no value was to be set in the balance of compensation. I also stated the possible case of France having lost part of what she deemed her integral dominions, instead of having added to them, in the course of the war, and whether then, under the apprehension of still greater losses, the government, as it was now composed, should consider itself as not vested with powers sufficient to save their country from the impending danger, by making peace on the conditions of sacrificing a portion of their dominions to save the remainder. M. Delacroix said, this was stating a case of necessity, and such a mode of reasoning did not attach to the present circumstances. I readily admitted the first part of this proposition, but contended, that if the power existed in a case of necessity, it equally existed in all others, and particularly in the case before us, since he himself had repeatedly told me that peace was what his country and its government wished for, and even wanted.

M. Delacroix, in reply, shifted his ground, and by a string of arguments founded on premises calculated for his purpose, attempted to prove, that from the relative situation of the adjacent countries, the present government of France would be reprehensible in the ex-

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treme, and deserve impeachment, if they ever suffered the Netherlands to be separated from their dominions; that by the partition of Poland, Russia, Austria, and Prussia had increased their power to a most formidable degree; that England, by its conquests, and by the activity and judgment with which it governed its colonies, had doubled its strength, —Your Indian empire alone, said M. Delacroix with vehemence, has enabled you to subsidize all the powers of Europe against us, and your monopoly of trade has put you in possession of a fund of inexhaustible wealth. His words were, "Votre empire dans l'Inde vous a fourni les moyens de salarier toutes les puissances contre nous, et vous avez accaparé le commerce de manière que toutes les richesses du monde se versent dans vos coffres."

From the necessity that France should keep the Netherlands and the left bank of the Rhine for the purpose of preserving its relative situation in Europe, he passed to the advantages which he contended would result to the other powers by such an addition to the French dominions. Belgium (to use his word) by belonging to France, would remove what had been the source of all wars for two centuries passed, and the Rhine, being the natural boundary of France, would ensure the tranquillity of Europe for two centuries to come. I did not feel it necessary to combat this preposterous doctrine; I contented myself with reminding him of what he had said to me in one of our last conferences, when he made a comparison of the weakness of France under its monarchs, and its strength and vigour under its republican form of government. "Nous ne sommes plus dans la décrépitude de la France monarchique, mais dans toute la force d'une republique adolescente," was his expression; and I inferred from this, according to his own reasoning, that the force and power France had acquired by its change of government was much greater than it could derive from any acquisition of territory; and that it followed, if France when under a regal form of government was a very just and constant object of attention, not to say of jealousy, to the other powers of Europe, France (admitting his axiom) was a much more reasonable object of jealousy and attention under its present constitution than it ever had yet been, and that no addition to its dominions could be seen by its neighbours but under impressions of alarm for their own future safety and for the general tranquillity of Europe. M. Delacroix's answer to this was so remarkable that I must beg leave to insert it in what I believe to be nearly his own words:—"Dans le tems revolutionaire tout ce que vous dites, mi lord, étoit vrai— rien n'egaloit notre puissance; mais ce tems n'existe plus. Nous ne pouvons plus lever la nation en masse pour voler au sécours de la patrie en danger. Nous ne pouvons plus engager nos concitoyens d'ouvrir leurs bourses pour les verser dans le trésor national, et de se priver même du necessaire pour le bien de la chose publique."—And he ended by saying that the French republic when at peace necessarily must become the most quiet and pacific power in Europe. I only observed, that in this case the passage of the republic from youth to decrepitude had been very sudden; but that still I never could admit that it could be a matter of indifference to its neighbours, much less one of necessary security to itself, to acquire such a very extensive addition to its frontiers as that he had hinted at.

This led M. Delacroix to talk of offering an equivalent to the Emperor for the Austrian Netherlands, and it was to be found, according to his plan, in the secularization of the three ecclesiastical electorates, and several bishoprics in Germany and in Italy.

He talked upon this subject as one very familiar to him, and on which his thoughts had been frequently employed.

He spoke of making new electors, and named, probably with a view to render his scheme more palatable, the stadtholder, and the dukes of Brunswick and Wurtemberg, as persons proper to replace the three ecclesiastical electors which were to be reformed.

It would be making an ill use of your lordship's time to endeavour to repeat to you all he said on this subject; it went in substance (as he himself confessed) to the total subversion of the present constitution of the Germanic body; and as it militated directly against the principle which both his majesty and the Emperor laid down so distinctly as the basis of the peace to be made for the empire, I contented myself with reminding him of this circumstance, particularly as it is impossible to discuss this point with any propriety till his Imperial Majesty becomes a party to the negotiation. I took this opportunity of hinting, that if on all the other points France agreed to the proposals now made, it would not be impossible that some increase of territory might be ceded to her on the Germanic side of her frontiers, and that this, in addition to the duchy of Savoy, Nice, and Avignon, would be a very great acquisition of strength and power. M. Delacroix here again reverted to the constitution, and said that these countries were already constitutionally annexed to France. I replied, that it was impossible, in the negotiation which we were beginning, for the other powers to take it up from any period but that which immediately preceded the war, and that any acquisition or diminution of territory which had taken place among the belligerent powers since it first broke out, must necessarily become subject matter for negotiation, and be balanced against each other in the final arrangement of a general peace. You then persist, said M. Delacroix, in applying this principle to Belgium? I answered, most certainly; and I should not deal fairly with

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you if I hesitated to declare, in the outset of our negotiation, that on this point you must entertain no expectation that his majesty will relax, or ever consent to see the Netherlands remain a part of France.

M. Delacroix replied, he saw no prospect in this case of our ideas ever meeting, and he despaired of the success of our negotiation. He returned again, however, to his idea of a possible equivalent to be found for the Emperor; but as all he proposed was the alienation or dismemberment of countries not belonging to France, even by conquest, I did not consider it as deserving attention, and it is certainly not worth repeating to your lordship.

I need not observe that all the equivalents proposed, however inadequate to the exchange, were offered as a return for our consent that the Netherlands should remain part of France, of course the admitting them in any shape would have been in direct contradiction to my instructions.

Monsieur Delacroix touched very slightly on Italy; and the course of our conversation did not bring this part of the subject more into discussion.

I must add, that whenever I mentioned the restoration of the Netherlands to the Emperor, I always took care it should be understood that these were to be accompanied by such further cessions as should form a competent line of defence, and that France could not be permitted to keep possession of all the intermediate country to the Rhine; and I particularly dwelt on this point, when I held out the possibility of admitting an extension of the limits of France on the side of Germany. But as the French minister no less strenuously opposed the restitution of the Netherlands to the Emperor, than I tenaciously insisted upon it, the farther extension of my claim could not of course become a subject of argument.

I believe I have now, with a tolerable degree of accuracy, informed your lordship of all that the French minister said on my opening myself to him on that part of my instructions which more immediately relates to peace between Great Britain, his imperial majesty, and France. It remains with me to inform you what passed between us on the subject of our respective allies.

On the articles reserving a right to the court of Petersburgh and to that of Lisbon to accede to the treaty of peace on the strict *status ante bellum*, the French minister made no other remark than by mentioning the allies of the republic, and by inquiring whether I was prepared to say any thing relative to their interests, which certainly the republic would never abandon. This afforded me the opportunity of giving in the confidential memorial (B.) relative to Spain and Holland, and I prefaced it by repeating to him the substance of the first part of your lordship's, No. 12.

Although I had touched upon the subject of the Spanish part of St. Domingo, when I had been speaking to Monsieur Delacroix on the peace with France, yet, as it did not become a matter of discussion between us till I came to mention the peace with Spain, I thought it better to place all that passed on the subject in this part of my dispatch; it was the only point on which he entered, but I by no means infer from his not bringing forward some claims for Spain, that we are not to hear of any in the course of the negotiation; on the contrary, I have little doubt that many, and most of them inadmissible, will be made before it can end. He, however, was silent on them at this moment, and confined all he had to say to combating the idea that Spain was bound by the treaty of Utrecht not to alienate her possessions in America. I had the article copied in my pocket, and I read it to him He confessed it was clear and explicit, but that circumstances had so materially altered since the year 1713, that engagements made then ought not to be considered as in force now; I said that the spirit of the article itself went to provide for distant contingencies, not for what was expected to happen at or near the time when the treaty was made, and that it was because the alteration of circumstances he alluded to was foreseen as possible, that the clause was inserted; and that if Spain paid any regard to the faith of treaties, she must consider herself as no less strictly bound by this clause now, than at the moment when it was drawn up. I went on by saying, that it did not however appear quite impossible that this point might be settled without much difficulty; and that means might be devised that his catholic majesty should not break his faith, and both England and France be equally satisfied I then held out to him, but in general terms, that either Spain might regain her part of St. Domingo, by making some considerable cession both to Great Britain and France, as the price of peace, or that, in return for leaving the whole of St. Domingo to France, we should retain either Martinico or St. Lucia and Tobago. Monsieur Delacroix listened with a degree of attention to these proposals, but he was fearful of committing himself by any expression of approbation, and he dismissed the subject of the court of Madrid, by observing that France never would forsake the interests of its allies.

Our conversation on those of its other ally Holland, was much longer, as the wording of the memorial inevitably led at once deep into the subject.

M. Delacroix affected to treat any deviation from the treaty of peace concluded between France and that country, or any restoration of territories acquired by that treaty to France, as quite impracticable. He treated as equally impracticable any attempt at restoring the ancient form of government in the Seven United Provinces. He talked with an air of triumph of

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the establishment of a National Convention at the Hague, and with an affectation of feeling, that by it the cause of freedom had extended itself over such a large number of people. He, however, was ready to confess, that from the great losses the Dutch republic had sustained in its colonies, and particularly from the weak manner in which they had defended them, it could not be expected that his majesty would consent to a full and complete restitution of them, and that it was reasonable that some should be sacrificed; and he asked me if I could inform him, how far our views extended on this point? I said I had reason to believe that what his majesty would require would be possessions and settlements which would not add either to the wealth or power of our Indian dominion, but only tend to secure to us their safe and unmolested possession. You mean by this, said M. Delacroix, the Cape and Trincomalé. I said they certainly came under that description, and I saw little prospect of their being restored to the Dutch. M. Delacroix launched forth on this into a most laboured dissertation on the value of the Cape of Good Hope, which he did not consider at all as a Port de Relache, but as a possession which, in our hands, would become one of the most fertile and most productive colonies in the East; and, according to his estimation of it, he did not scruple to assert, that it would ultimately be an acquisition of infinitely greater importance to England than that of the Netherlands to France; and, if acquiesced in, should be reckoned as a full and ample compensation for them. He added, if you are masters of the Cape and Trincomalé, we shall hold all our settlements in India, and the islands of France and Bourbon, entirely at the tenure of your will and pleasure; they will be our's only as long as you choose we should retain them. You will be sole masters in India, and we shall be entirely dependent upon you. I repeated to him, that it was as means of defence, not of offence, that these possessions would be insisted on, and that if the matter was fairly and dispassionately discussed, he would find that they afforded us a great additional security, but no additional power of attack, even if we were disposed to disturb the peace of that part of the world. If these, and perhaps some few other not very material settlements belonging to the Dutch, were to be insisted upon, and if he would be pleased to enumerate all we should still have to restore to them, while they had nothing to restore to England, it was impossible not to consider the terms on which his majesty proposed peace to Holland as generous and liberal.

M. Delacroix was not at all disposed to agree with me on this point, and said, Holland, stript of these possessions, would be ruined. He then held out, but as if the idea had just crossed his mind, the possibility of indemnifying the Dutch for their losses in India, by giving them a tract of territory towards the Meuse (I could not find out whether he meant Aix la Chapelle, Liege, or the countries of Juliers and Berg), and hinted, that if this was not to be done, an additional sugar island might, perhaps, be ceded to the Dutch republic. I told him all this might become a subject of future discussion, and I conceived, that if we could agree upon the more essential points, the treaty would not break off on these secondary considerations. Our conversation had now been extremely long, and M. Delacroix ended by saying, that although he had taken upon himself to enter with me thus far upon the subject, yet I must not consider any thing he said as binding, or as pledging the republic, till such time as he had laid the papers I had given him before the Directory; and, in order to do this with more accuracy, he again asked me, whether in his report he was to state the disuniting Belgium from France as a *sine qua non* from which his majesty would not depart. I replied it most certainly was a *sine qua non* from which his majesty would not depart; and that any proposal which would leave the Netherlands annexed to France, would be attended with much greater benefit to that power and loss to the allies, than the present relative situation of the belligerent powers could entitle the French government to expect.

M. Delacroix repeated his concern at the peremptory way in which I made this assertion, and asked me whether it would admit of no modification? I replied, if France could, in a *contre projet*, point out a practicable and adequate one, still keeping in view that the Netherlands must not be French, or likely again to fall into the hands of France, such a proposal might certainly be taken into consideration.

M. Delacroix by no means encouraged me to explain myself more fully; he repeatedly said that this difficulty relative to the Netherlands was one which could not be overcome.

Just as I was taking leave of him, he begged me to explain what was meant by the words in the memorial (A.) in the fourth paragraph, beginning " de s'entendre mutuellement sur les moyens d'assurer," and ending at " Leurs possessions respectives." I told him it referred to the destructive system adopted by France in the West Indies, and went to express a wish, that the two powers should agree on some general and uniform system of internal police in the settlements there, which would contribute to the security of these possessions to the respective countries, and at the same time to the happiness of every description of inhabitants in them.

M. Delacroix, a little hurt at my expression relative to the system adopted by France, endeavoured to recriminate on us; but he ended by saying, that they should certainly be willing to concur in any arrangement relative to

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the negroes which did not militate against the principles of their constitution. Here our conference ended, and as, during the whole course of it, I bore in my mind, the possibility, that this, although our first, might be the only favourable opportunity I should ever have of speaking on the general principles on which his majesty was disposed to treat, I endeavoured, by adverting more or less to almost every point in my instructions, to enable M. Delacroix (if he reports faithfully) to state to the Directory what I said in such a manner as to put it out of their power to misconceive what were his majesty's intentions, to remove all possibility of cavil on this case, and to bring them to a clear and distinct answer whether they would agree to open a negotiation on the principle of the *status ante bellum*, or on one differing from it only in form, not in substance. I hope in attempting to do this I did not, in the first instance, commit myself, or discover more of my instructions than it became me to do, and that in the conversation with M. Delacroix nothing escaped me which might, at some subsequent period, hurt the progress of the negotiation. I have, I believe, given this conference nearly *verbatim* to your lordship; and I was particularly anxious to do this correctly and minutely, as well that you may judge on the propriety of what I said myself, as that what M. Delacroix said to me may be accurately known, and remain on record.

It must, however, be remembered (as I observed in the beginning of this dispatch) that he spoke from himself, as minister indeed, but not under the immediate instructions of the Directory, and this consideration will take a little away from the singularity of some of the positions he advanced.

I confess, my lord, from the civility of his manners, and from his apparent readiness to discuss the subject, the impression which remained on my mind on leaving him was that the negotiation would go on, but be liable to so many difficulties, and some of them so nearly insurmountable, that knowing as I do the opinion of the Directory, I saw little prospect of its terminating successfully.—But I did not expect the conduct of the Directory would immediately be such as to evince a manifest inclination, and even determination, to break of on the first proposals; and I was not a little surprised at receiving, on Sunday, at three P. M. the inclosed letter (A) from M. Delacroix: He sent it me by the principal secretary of his department (M. Guiraudet) who communicated to me the original of the *arrêté* of the Directory, of which this letter, abating the alteration in the form, is a literal copy. After perusing it, I asked M. Guiraudet whether he was informed of its contents, and this led to a short conversation on them. I told him that both the demands were so unexpected that I could not reply to them off hand: that as to the first, it was quite unusual to sign memorials which were annexed to a note actually signed, and that I scarcely felt myself authorized to depart from what was, I believe, an invariable rule. That as to the second demand, made in so peremptory and unprecedented a way, I could without much hesitation say at once that it could not be complied with. M. Guiraudet lamented this much, and said, that this being the case, he feared our principles of negotiation would never coincide. I agreed with him in my expressions of concern. We conversed together afterwards for some time, but nothing passed at all worthy remark. I told him I should send my answer the next day. On reflecting more attentively on the request that I would sign the two memorials which I had given in, it struck me that the complying with it pledged me to nothing, that it was merely gratifying them on a point insisted on peevishly, and that the doing it would put them still more in the wrong.

As to the strange demand of an ultimatum, it was perfectly clear what it became me to say, and I hope that in the inclosed answer, (B.) (which I sent yesterday morning at twelve o'clock) to M. Delacroix, I shall be found to have adhered as closely as possible to the spirit of my instructions.

Yesterday evening, at half past nine, M. Guiraudet brought me the note (C.) to which I immediately replied by the note (D.). They require no comment; and as I intend leaving Paris to-morrow, and travelling with all convenient speed, I shall so soon have it in my power to say the little which remains to say relative to this sudden, though perhaps not unlooked-for close to my mission, that I need not trespass any further on your lordship's patience.—I have the honour to be, &c.

MALMESBURY.

P. S. I thought it would be proper for his majesty's ministers at Vienna to receive the earliest intelligence of the negotiation being broken off, I therefore have dispatched a messenger to Vienna with a copy of the several papers which have passed between me and M. Delacroix since our conference, and also a succinct account of what passed in it. This messenger left this place to-day at three, P. M. M.

No. 31. (A)—NOTE from the Minister for Foreign Affairs to lord Malmesbury; dated Paris, 28th Frimaire, 5th year. (Dec. 18.)

Sir;—the Executive Directory has heard the reading of the official note signed by you, and of two confidential Memorials without signatures, which were annexed to it, and which you gave in to me yesterday. I am charged expressly by the Directory to declare to you, that it cannot listen to any confidential note without a signature, and to require of you to give in to me, officially, within four and twenty hours, your ultimatum, signed by you. Accept, sir, the assurance of my high consideration. CH. DELACROIX.

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No. 32. (B.)—Note from lord Malmesbury to the Minister for Foreign Affairs; dated Paris, December 19th, 1796.

Lord Malmesbury, in answer to the letter which the minister for foreign affairs had the goodness to transmit to him through the hands of the secretary general of his department, must remark, that in signing the official note which he gave in to that minister, by order of his court, he thought he had complied with all the usual formalities, and had given the necessary authenticity to the two confidential Memorials which were annexed to it. Nevertheless to remove all difficulties, as far as lies in his power, he willingly adopts the forms which are pointed out by the resolution of the Executive Directory, and hastens to send to the minister for foreign affairs the two Memorials signed by his hand.

With respect to the positive demand of an ultimatum, lord Malmesbury observes that insisting on that point in so peremptory a manner, before the two powers shall have communicated to each other their respective pretensions, and that the articles of the future treaty shall have been submitted to the discussions, which the different interests which are to be adjusted, necessarily demand, is to shut the door against all negotiation. He, therefore, can add nothing to the assurances which he has already given to the minister for foreign affairs, as well by word of mouth, as in his official note; and he repeats that he is ready to enter with that minister into every explanation of which the state and progress of the negotiation may admit, and that he will not fail to enter into the discussion of the proposals of his court, or of any counter project which may be delivered to him, on the part of the Executive Directory, with that candour and that spirit of conciliation which correspond with the just and pacific sentiments of his court. Lord Malmesbury requests the minister for foreign affairs to accept the assurances of his high consideration.

No. 33. (C.)—Note from the Minister for Foreign Affairs to lord Malmesbury; dated Paris, 29th Frimaire, 5th year. (Dec. 19.)

The undersigned minister for foreign affairs is charged by the Executive Directory, to answer to lord Malmesbury's two notes of the 27th and 28th Frimaire (17th and 19th December, O. S.) that the Executive Directory will listen to no proposals, contrary to the constitution, to the laws, and to the treaties which bind the republic.

And as lord Malmesbury announces at every communication, that he is in want of the opinion of his court, from which it results that he acts a part merely passive in the negotiation, which renders his presence at Paris useless; the undersigned is further charged to give him notice to depart from Paris in eight-and-forty hours, with all the persons who have accompanied and followed him, and to quit, as expeditiously as possible, the territory of the republic. The undersigned declares moreover, in the name of the Executive Directory, that if the British cabinet is desirous of peace, the Executive Directory is ready to follow the negotiations, according to the basis laid down in the present note, by the reciprocal channel of couriers.

Ch. Delacroix.

No. 34. (D.)—Note from lord Malmesbury to the Minister for Foreign Affairs; dated Paris, December 20th 1796.

Lord Malmesbury hastens to acknowledge the receipt of the note of the minister for foreign affairs, dated yesterday. He is preparing to quit Paris to-morrow, and demands, in consequence, the necessary passports for himself and his suite. He requests the minister for foreign affairs to accept the assurances of his high consideration.

Declaration on the Rupture of the Negotiation for Peace with France, dated Whitehall, December 27, 1796.

The negotiation which an anxious desire for the restoration of peace had induced his majesty to open at Paris, having been abruptly terminated by the French government, the king thinks it due to himself and to his people to state in this public manner the circumstances which have preceded and attended a transaction of so much importance to the general interests of Europe.

It is well known that early in the present year his majesty, laying aside the consideration of many circumstances of difficulty and discouragement, determined to take such steps as were best calculated to open the way for negotiation, if any corresponding desire prevailed on the part of his enemies. He directed an overture to be made in his name by his minister in Switzerland, for the purpose of ascertaining the dispositions of the French government with respect to peace. The answer which he received in return was at once haughty and evasive: it affected to question the sincerity of those dispositions of which his majesty's conduct afforded so unequivocal a proof; it raised groundless objections to the mode of negotiation proposed by his majesty (that of a general congress, by which peace has so often been restored to Europe); but it studiously passed over in silence his majesty's desire to learn what other mode would be preferred by France. It at the same time asserted a principle which was stated as an indispensable preliminary to all negotiation; a principle under which the terms of peace must have been regulated, not by the usual considerations of justice, policy, and reciprocal convenience; but by an implicit submission on the part of all other powers to a claim founded on the internal laws and separate constitution of France, as having full authority to supersede the treaties entered into by independent states, to govern their

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interests, to control their engagements, and to dispose of their dominions.

A pretension in itself so extravagant could in no instance have been admitted, or even listened to for a moment. Its application to the present case led to nothing less than that France should, as a preliminary to all discussion, retain nearly all her conquests, and those particularly in which his majesty was most concerned, both from the ties of interest, and the sacred obligations of treaties; that she should in like manner recover back all that had been conquered from her in every part of the world: and that she should be left at liberty to bring forward such further demands on all other points of negotiation, as such unqualified submission on the part of those with whom she treated could not fail to produce.

On such grounds as these it was sufficiently evident that no negotiation could be established: neither did the answer of his majesty's enemies afford any opening for continuing the discussion, since the mode of negotiation offered by his majesty had been peremptorily rejected by them, and no other had been stated in which they were willing to concur.

His majesty was however not discouraged even by this result, from still pursuing such measures as appeared to him most conducive to the end of peace; and the wishes of his ally the Emperor, corresponding with those which his majesty had manifested, sentiments of a similar tendency were expressed on the part of his imperial majesty at the time of opening the campaign: but the continuance of the same spirit and principles on the part of the enemy rendered this fresh overture equally unsuccessful.

While the government of France thus persisted in obstructing every measure that could even open the way to negotiation, no endeavour was omitted to mislead the public opinion throughout all Europe with respect to the real cause of the prolongation of the war, and to cast a doubt on those dispositions which could alone have dictated the steps taken by his majesty and his august ally.

In order to deprive his enemies of all possibility of subterfuge or evasion, and in the hope that a just sense of the continued calamities of war, and of the increasing distresses of France herself, might at length have led to more just and pacific dispositions, his majesty renewed in another form, and through the intervention of a friendly power, a proposal for opening negotiations for peace. The manner in which this intervention was received, indicated the most hostile dispositions towards Great Britain, and at the same time afforded to all Europe a striking instance of that injurious and offensive conduct which is observed on the part of the government of France towards all other countries. The repeated overtures made in his majesty's name were nevertheless of such a nature, that it was at last found impossible to persist in the absolute rejection of them, without the direct and undisguised avowal of a determination to refuse to Europe all hope of the restoration of tranquillity. A channel was therefore at length indicated through which the government of France professed itself willing to carry on a negotiation, and a readiness was expressed (though in terms far remote from any spirit of conciliation) to receive a minister, authorized by his majesty to proceed to Paris for that purpose.

Many circumstances might have been urged as affording powerful motives against adopting this suggestion, until the government of France had given some indication of a spirit better calculated to promote the success of such a mission, and to meet these advances on the part of Great Britain. The king's desire for the restoration of general peace on just and honourable terms, his concern for the interest of his subjects, and his determination to leave to his enemies no pretext for imputing to him the consequences of their own ambition, induced him to overlook every such consideration, and to take a step which these reasons alone could justify.

The repeated endeavours of the French government to defeat this mission in its outset, and to break off the intercourse thus opened, even before the first step towards negotiation could be taken; the indecent and injurious language employed with a view to irritate, the captious and frivolous objections raised for the purpose of obstructing the progress of the discussion: all these have sufficiently appeared from the official papers which passed on both sides, and which are known to all Europe.

But above all the abrupt termination of the negotiation has afforded the most conclusive proof, that at no period of it was any real wish for peace entertained on the part of the French government.

After repeated evasion and delay, that government had at length consented to establish as the basis of the negotiation, a principle proposed by his majesty, liberal in its own nature, equitable towards his enemies, and calculated to provide for the interests of his allies, and of Europe. It had been agreed that compensation should be made to France by proportionable restitutions from his majesty's conquests on that power, for those arrangements to which he should be called upon to consent, in order to satisfy the just pretensions of his allies, and to preserve the political balance of Europe. At the desire of the French government itself, memorials were presented by his majesty's minister, which contained the outlines of terms of peace, grounded on the basis so established, and in which his majesty proposed to carry to the utmost possible extent, the application of a principle so equitable as with respect to France, and so liberal on his majesty's part. The delivery of these papers was accompanied by a declaration expressly and repeatedly made, both verbally and in writing, that his majesty's minister was willing and prepared to enter, with a spirit of conciliation

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and fairness, into the discussion of the different points there contained, or into that of any other proposal or scheme of peace which the French government might wish to substitute in its place.

In reply to this communication, he received a demand, in form the most offensive, and in substance the most extravagant, that ever was made in the course of any negotiation. It was peremptorily required of him that in the very outset of the business, when no answer had been given by the French government to his first proposal; when he had not even learnt, in any regular shape, the nature or extent of the objections to it, and much less received from that government any other offer or plan of peace, he should in twenty-four hours deliver in a statement of the final terms to which his court would in any case accede. A demand tending evidently to shut the door to all negotiation, to preclude all discussion, all explanation, all possibility of the amicable adjustment of points of difference. A demand in its nature preposterous, in its execution impracticable, since it is plain that no such ultimate resolution respecting a general plan of peace ever can be rationally formed, much less declared, without knowing what points are principally objected to by the enemy, and what facilities he may be willing to offer in return for concession in those respects. Having declined compliance with this demand, and explained the reasons which rendered it inadmissible, but having, at the same time, expressly renewed the declaration of his readiness to enter into the discussion of the proposals he had conveyed, or of any other which might be communicated to him, the king's minister received no other answer than an abrupt command to quit Paris in forty-eight hours.—If, in addition to such an insult, any further proof were necessary of the dispositions of those by whom it was offered, such proof would be abundantly supplied from the contents of the note in which this order was conveyed. The mode of negotiation on which the French government had itself insisted, is there rejected, and no practicable means left open for treating with effect. The basis of negotiation so recently established by mutual consent, is there disclaimed, and, in its room, a principle clearly inadmissible is re-asserted as the only ground on which France can consent to treat:—The very same principle which had been brought forward in reply to his majesty's first overtures from Switzerland, which had then been rejected by his majesty, but which now appears never to have been in fact abandoned by the government of France, however inconsistent with that on which they had expressly agreed to treat.

It is therefore necessary that all Europe should understand, that the rupture of the negotiation at Paris does not arise from the failure of any sincere attempt on the part of France to reconcile by fair discussion the views and interests of the contending powers; such a discussion has been repeatedly invited, and even solicited on the part of his majesty, but has been in the first instance, and absolutely, precluded by the act of the French government.

It arises exclusively from the determination of that government to reject all means of peace: a determination which appeared but too strongly in all the preliminary discussions; which was clearly manifested in the demand of an ultimatum made in the very outset of the negotiation; but which is proved beyond all possibility of doubt by the obstinate adherence to a claim which never can be admitted.—A claim that the construction which that government affects to put (though even in that respect unsupported by the fact) on the internal constitution of its own country, shall be received by all other nations as paramount to every known principle of public law in Europe, as superior to the obligations of treaties, to the ties of common interest, to the most pressing and urgent considerations of general security.

On such grounds it is that the French government has abruptly terminated a negotiation, which it commenced with a reluctance, and conducted with every indication of a resolution to prevent its final success. On these motives it is that the further effusion of blood, the continued calamities of war, the interruptions of peaceable and friendly intercourse among mankind, the prolonged distresses of Europe, and the accumulated miseries of France itself, are by the government of that country to be justified to the world.

His majesty, who had entered into the negotiation with good faith, who has suffered no impediment to prevent his prosecuting it with earnestness and sincerity, has now only to lament its abrupt termination; and to renew in the face of all Europe the solemn declaration, that whenever his enemies shall be disposed to enter on the work of general pacification in a spirit of conciliation and equity, nothing shall be wanting on his part to contribute to the accomplishment of that great object, with a view to which he has already offered such considerable sacrifices on his part, and which is now retarded only by the exorbitant pretensions of his enemies.

The said Papers were ordered to lie upon the table, to be perused by the members of the House.

Debate in the Commons on the King's Message respecting the Rupture of the Negotiation for Peace.] Dec. 30. The order of the day being read for taking his Majesty's Message into consideration,

Mr. *Pitt* addressed the House to the following effect:—I am perfectly aware, Sir, in rising upon the present occasion, that the motion which I shall have the honour to propose to the House in consequence

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sent to the Directory the means of proving how much it desires to attain speedily to a happy pacification.

The Directory is ready to receive, in this respect, any overtures that shall be just, reasonable, and compatible with the dignity of the Republic. BARTHELEMI.

No. III.—NOTE, dated Downing-street, April 10th, 1796.

The court of London has received from its minister in Switzerland, the answer made to the questions which he had been charged to address to Monsieur Barthelemi, in respect to the opening of a negotiation for the re-establishment of general tranquillity.

This court has seen, with regret, how far the tone and spirit of that answer, the nature and extent of the demands which it contains, and the manner of announcing them, are remote from any disposition for peace.

The inadmissible pretension is there avowed of appropriating to France all that the laws actually existing there may have comprised under the denomination of French territory. To a demand such as this is added an express declaration, that no proposal contrary to it will be made or even listened to: and this, under the pretence of an internal regulation, the provisions of which are wholly foreign to all other nations.

While these dispositions shall be persisted in, nothing is left for the king but to prosecute a war equally just and necessary.

Whenever his enemies shall manifest more pacific sentiments, his majesty will at all times be eager to concur in them, by lending himself, in concert with his allies, to all such measures as shall be best calculated to re-establish general tranquillity on conditions just, honourable, and permanent: either by the establishment of a congress, which has been so often and so happily the means of restoring peace to Europe; or by a preliminary discussion of the principles which may be proposed, on either side, as a foundation of a general pacification; or, lastly by an impartial examination of any other way which may be pointed out to him for arriving at the same salutary end.

No. 1.—LETTER from Lord Grenville to Count Wedel Jarlsberg; dated Downing-street, September 6th, 1796.

Sir;—In obedience to the orders of the king my master, I have the honour to transmit to you the inclosed note, and to request of you that you will forward it to his Danish majesty's minister at Paris, to be by him communicated to the Executive Directory.—The sentiments of your court are too well known to the king to admit of his majesty's entertaining any doubt of the satisfaction with which his Danish majesty will see the intervention of his ministers employed on such an occasion, or of the earnestness with which you, Sir, will concur in a measure that has for its object the re-establishment of peace.—I have the honour to be, &c. GRENVILLE.

No. 2.—NOTE transmitted through the Danish Minister to the Executive Directory; dated Westminster, September 6th, 1796.

His Britannic Majesty, animated with the same desire, which he has already manifested, to terminate, by just, honourable, and permanent conditions of peace, a war which has extended itself throughout all parts of the world, is willing to omit nothing on his part which may contribute to this object.—It is with this view that he has thought it proper to avail himself of the confidential intervention of the ministers of a neutral power, to demand of the Executive Directory passports for a person of confidence whom his majesty would send to Paris with a commission to discuss, with the government there, all the means the most proper to produce so desirable an end.—And his majesty is persuaded that he shall receive, without delay, through the same channel, a satisfactory answer to this demand, which cannot fail to place in a still clearer light the just and pacific dispositions which he entertains in common with his allies. GRENVILLE.

No. 3.—LETTER from Count Wedel Jarlsberg to Lord Grenville; dated London, September 23rd, 1796.

My lord;—I have the honour to inform your excellency, that the note addressed to the Executive Directory of France, in date of the 6th of the present month, was transmitted by M. Koenemann, chargé d'affaires of his Danish majesty, to M. Delacroix, minister for foreign affairs at Paris, who promised that an answer should be returned to it after it had been submitted to the consideration of the government. Three days having elapsed in expectation of this answer, M. Koenemann went a second time to the minister abovementioned, who gave him to understand, that the Executive Directory had not permitted him to return an answer in writing, but that he was directed to express himself verbally to this effect:—"That the Executive Directory of the French Republic would not for the future receive or answer any overtures or confidential papers transmitted through any intermediate channel from the enemies of the Republic, but that if they would send persons furnished with full powers and official papers, these might, upon the frontiers, demand the passports necessary for proceeding to Paris."—I have the honour to be, &c.

Comte de WEDEL JARLSBERG.

No. 4.—LETTER from M. Koenemann to Count Wedel Jarlsberg; dated Paris, September 19th, 1796.

Sir;—I was indisposed at my country house when your excellency's courier brought me the letters, which your excellency did me the

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honour to write to me on the 7th instant, together with the note of lord Grenville inclosed therein. I set off for Paris on the following day, where, after demanding an audience of citizen Delacroix, minister for foreign affairs, I presented the note above-mentioned, accompanied by another in my own name, in which I explained the motives that had induced me to undertake a measure for which I had no authority from my court. He promised to submit the two notes to the inspection of the government, and to return me an answer immediately. Having waited for three days without receiving an answer, I went a second time to wait upon the minister, who, with a very dry tone, informed me, that the Executive Directory had not permitted him to return an answer in writing, but that he was directed to express himself verbally to this effect:—"That the Executive Directory of the French Republic would not for the future receive or answer any confidential overtures transmitted through any intermediate channel from the enemies of the republic; but that if they would send persons, furnished with full powers and official papers, these might, upon the frontiers, demand the passports necessary for proceeding to Paris."

Such, Sir, is the result of a measure which I have taken at your request. I wish, for the sake of humanity, that we may meet with better success at some future period; but I fear that this period is still at a great distance.—I have the honour to be, &c.

KOENEMANN.

No. 5.—NOTE transmitted from lord Grenville to the Minister for Foreign Affairs at Paris; dated Westminster, September 24th, 1796.

In demanding of the Executive Directory of the French Republic, through the intervention of the ministers of a neutral power, a passport for a confidential person to be sent to Paris, the court of London accompanied this demand, with the express declaration, that this person should be commissioned to discuss with the government all the means the most proper for conducing to the re-establishment of peace.

The king, persevering in the same sentiments, which he has already so unequivocally declared, will not leave to his enemies the smallest pretext for eluding a discussion, the result of which will necessarily serve either to produce the happiness of so many nations, or at least to render evident the views and dispositions of those who oppose themselves to it.

It is therefore in pursuance of these sentiments, that the undersigned is charged to declare, that as soon as the Executive Directory shall think proper to transmit to the undersigned the necessary passports (of which he, by this note, renews the demand already made) his Britannic Majesty will send to Paris a person furnished with full powers, and official instructions, to negociate with the Executive Directory on the means of terminating the present war, by a pacification, just, honourable, and solid, calculated to restore peace to Europe, and to ensure, for the time to come, the general tranquillity.

GRENVILLE.

No. 6.—LETTER from M. Delacroix to Lord Grenville, inclosing Passports; dated Paris, 11 Vendemaire, the 5th Year of the French Republic, One and Indivisible.

I have the honour to transmit to lord Grenville a copy of the decree of the Executive Directory of the French Republic, in answer to his note of the 27th September, 1796, (O. S.) He will there see a proof of the earnest desire of the French government to profit of the overture that is made to them, in the hope that it may lead to peace with the government of England. I have the honour to send to him, at the same time, the passports required for the minister plenipotentiary, whom his Britannic Majesty proposes to name to treat; and I request lord Grenville to accept the assurance of my personal wishes for the success of this negotiation, as well as that of my most perfect consideration.

CH. DELACROIX.

No. 7.—EXTRACT from the Register of the Decrees of the Executive Directory; the 9th Vendemaire, 5th Year of the French Republic.

The Executive Directory, upon consideration of the note addressed to the minister for foreign affairs by lord Grenville, dated Westminster, September 24th, 1796, wishing to give a proof of the desire which it entertains to make peace with England, decrees as follows:

The minister for foreign affairs is charged to deliver the necessary passports to the envoy of England, who shall be furnished with full powers, not only for preparing and negotiating the peace between the French Republic and that power, but for concluding it definitively between them.

No. 7.—LETTER from Lord Grenville to M. Delacroix, Minister for Foreign Affairs at Paris; dated Westminster, October 13th, 1796.

Lord Malmesbury, who is appointed by the king to treat with the French government for a just and equitable peace, calculated to restore repose to Europe, and to ensure the public tranquillity for the time to come, will have the honour of delivering this letter from me to M. Delacroix. The distinguished rank and merit of the minister of whom his majesty has made choice on this occasion, makes it unnecessary for me to say any thing in his recommendation: at the same time that it furnishes a fresh proof of the desire of his majesty to contribute to the success of this negotiation: for which object I entertain the most

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sincere wishes. M. Delacroix will have the goodness to accept from me the assurance of my most perfect consideration.

GRENVILLE.

No. 8.—NOTE from Lord Malmesbury to the Minister for Foreign Affairs; dated Paris, October 22nd, 1796.

Lord Malmesbury, named by his Britannic Majesty as his plenipotentiary to the French Republic, has the honour to announce, by his secretary, to the minister for foreign affairs, his arrival at Paris; and to request of him, at the same time, to be so good as to appoint the hour at which he may wait upon him, for the purpose of communicating to him the object of his mission.

No. 9.—NOTE from the Minister for Foreign Affairs to Lord Malmesbury; dated Paris, 1st Brumaire, 5th Year. (October 22nd, 1796).

The minister for foreign affairs learns with satisfaction the arrival of lord Malmesbury, plenipotentiary of his Britannic Majesty. He will have the honour to receive him to-morrow at eleven o'clock in the morning, or at any later hour that may suit him, till two o'clock. He hopes that lord Malmesbury will forgive him for thus limiting the time, on account of the nature and the multiplicity of his occupations.

No. 10.—NOTE from Lord Malmesbury to the Minister for Foreign Affairs; dated Paris, October 22nd.

Lord Malmesbury has the honour to thank the minister for foreign affairs for the obliging answer which he has just received from him. He accepts with pleasure the first moment proposed, and will wait upon him to-morrow morning, at eleven o'clock precisely.

No. 11.—NOTE from the Minister for Foreign Affairs to Lord Malmesbury; dated Paris, 2nd Brumaire, 5th Year. (October 22nd).

The minister for foreign affairs has the honour to apprize lord Malmesbury, commissioner plenipotentiary of his Britannic Majesty, that he has received from the Executive Directory the necessary powers for negotiating and concluding peace between the Republic and his majesty. To-morrow, if lord Malmesbury pleases, the respective powers shall be exchanged. The minister for foreign affairs will then be ready to receive the propositions, which lord Malmesbury is commissioned to make to the Republic on the part of his Britannic Majesty. The minister for foreign affairs requests lord Malmesbury to accept the assurances of his high consideration.

CH. DELACROIX.

No. 12.—NOTE from Lord Malmesbury to the Minister for Foreign Affairs; dated Paris, October 23rd, 1796.

Lord Malmesbury has the honour to present his acknowledgments to the minister for foreign affairs for the communication which he has just made to him, and he will have the honour to wait upon him to-morrow at the hour which he shall have the goodness to appoint, to receive the copy of the full powers with which he is furnished on the part of the Executive Directory; and as soon as they shall have been exchanged, he will be ready to commence the negotiation with which he is charged. He requests the minister for foreign affairs to accept the assurances of his high consideration.

MALMESBURY.

No. 13.—EXTRACT from the Register of the Decrees of the Executive Directory; 2nd Brumaire (October 22nd), 5th Year of the French Republic.

The Executive Directory, after having heard the report of the minister for foreign affairs:—The citizen Charles Delacroix, minister for foreign affairs, is charged to negociate with lord Malmesbury, commissioner plenipotentiary of his Britannic Majesty, furnished with full powers to prepare and negociate peace between the French Republic and that power, and to conclude it definitely between them. The Directory gives to the said minister all powers necessary for concluding and signing the treaty of peace to take place between the Republic and his Britannic Majesty. He shall conform himself to the instructions which shall be given him. He shall render a regular account, from time to time, of the progress and of the issue of the negotiations. The present decree shall not be printed at this time.

No. 14.—MEMORIAL delivered by lord Malmesbury to the Minister for Foreign Affairs; dated Paris, October 24th, 1796.

His Britannic Majesty desiring, as he has already declared, to contribute, as far as depends on him, to the re-establishment of public tranquillity, and to ensure, by the means of just, honourable, and solid conditions of peace, the future repose of Europe; his majesty is of opinion, that the best means of attaining, with all possible expedition, that salutary end, will be to agree, at the beginning of the negotiation, on the general principle which shall serve as a basis for the definitive arrangements.

The first object of negotiations for peace, generally relates to the restitutions and cessions which the respective parties have mutually to demand, in consequence of the events of the war.

Great Britain, from the uninterrupted success of her naval war, finds herself in a situation to have no restitution to demand of France, from which, on the contrary, she has taken establishments and colonies of the highest importance, and of a value almost incalculable.

But, on the other hand, France has made, on the continent of Europe, conquests, to

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which his majesty can be the less indifferent, as the most important interests of his people and the most sacred engagements of his crown are essentially implicated therein.

The magnanimity of the king, his inviolable good faith, and his desire to restore repose to so many nations, induce him to consider this situation of affairs as affording the means of procuring for all the belligerent powers just and equitable terms of peace, and such as are calculated to ensure for the time to come the general tranquillity.

It is on this footing, then, that he proposes to negotiate, by offering to make compensation to France, by proportionable restitutions, for those arrangements to which she will be called upon to consent, in order to satisfy the just demands of the king's allies, and to preserve the political balance of Europe.

Having made this first overture, his majesty will, in the sequel, explain himself more particularly on the application of this principle to the different objects which may be discussed between the respective parties.

It is this application which will constitute the subject of those discussions, into which his majesty has authorized his minister to enter, as soon as the principle to be adopted as the general basis of the negotiation is known.

But his majesty cannot omit to declare, that if this generous and equitable offer should not be accepted, or if, unfortunately, the discussions which may ensue, should fail to produce the desired effect, neither this general proposition, nor those more detailed which may result from it, can be regarded, in any case, as points agreed upon or admitted by his majesty. MALMESBURY.

No. 15.—ANSWER of the Executive Directory to lord Malmesbury's Memorial; dated Paris, 5 Brumaire, 5th year (October 25th.)

The Executive Directory orders the minister for foreign affairs to make the following answer to lord Malmesbury:

The Executive Directory sees with pain, that at the moment when it had reason to hope for the speedy return of peace between the French republic and his Britannic Majesty, the proposal of lord Malmesbury offers nothing but dilatory or very distant means of bringing the negotiation to a conclusion.

The Directory observe, that if lord Malmesbury would have agreed to treat separately, as he was formally authorized by the tenour of his credentials, the negotiations might have been considerably abridged; that the necessity of balancing with the interests of the two powers, those of the allies of Great Britain, multiplies the combinations, increases the difficulties, tends to the formation of a congress, the forms of which it is known are always tardy, and requires the accession of powers, which hitherto have displayed no desire of accommodation, and have not given to lord Malmesbury himself, according to his own declaration, any power to stipulate for them.

Thus, without prejudging the intentions of lord Malmesbury; without drawing any conclusion from the circumstance of his declaration not appearing to accord with his credentials; without supposing that he has received any secret instructions which would destroy the effect of his ostensible powers; without pretending, in short, to assert, that the British government have had a double object in view—to prevent, by general propositions, the partial propositions of other powers, and to obtain from the people of England the means of continuing the war, by throwing upon the republic the odium of a delay, occasioned by themselves; the Executive Directory cannot but perceive, that the proposition of lord Malmesbury is nothing more than a renewal, under more amicable forms, of the propositions made last year by Mr. Wickham, and that it presents but a distant hope of peace.

The Executive Directory farther observe, with regard to the principle of retrocessions advanced by lord Malmesbury, that such a principle, represented in a vague and isolated manner, cannot serve as the basis of negotiation; that the first points of consideration are, the common necessity of a just and solid peace, the political equilibrium which absolute retrocessions might destroy, and then the means which the belligerent powers may possess—the one to retain conquests made at a time when it was supported by a great number of allies, now detached from the coalition; and the other, to recover them at a time when those who were at first its enemies, have, almost all, become either its allies, or at least neuter.

Nevertheless, the Executive Directory, animated with an ardent desire of putting a stop to the scourge of war, and to prove that they will not reject any means of reconciliation, declare, that as soon as lord Malmesbury shall exhibit to the minister for foreign affairs sufficient powers from the allies of Great Britain for stipulating for their respective interests accompanied by a promise on their part to subscribe to whatever shall be concluded in their names, the Executive Directory will hasten to give an answer to the specified propositions which shall be submitted to them, and that the difficulties shall be removed, as far as may be consistent with the safety and dignity of the French republic.

[A true Copy.]
(Signed) L. M. REVELLIERE LEPEAUX, President.

No. 16.—NOTE delivered by lord Malmesbury to the Minister for Foreign Affairs; dated Paris, November 12th, 1796.

The undersigned has not failed to transmit to his court the answer of the Executive Directory to the proposals which he was charged to make, as an opening to a pacific negotiation.

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With regard to the offensive and injurious insinuations which are contained in that paper, and which are only calculated to throw new obstacles in the way of the accommodation which the French government professes to desire, the king has deemed it far beneath his dignity to permit an answer to be made to them on his part in any manner whatsoever.

The progress and the result of the negotiation will sufficiently prove the principles by which it will have been directed on each side; and it is neither by revolting reproaches wholly destitute of foundation, nor by reciprocal invective, that a sincere wish to accomplish the great work of pacification can be evinced.

The undersigned passes, therefore, to the first object of discussion brought forward in the answer of the Executive Directory;—that of a separate negotiation, to which it has been supposed, without the smallest foundation, that the undersigned was authorized to accede.

His full powers, made out in the usual form, give him all necessary authority to negociate and to conclude the peace; but these powers prescribe to him neither the form, the nature, nor the conditions of the future treaty.

Upon these points, he is bound to conform himself according to the long established and received custom of Europe, to the instructions which he shall receive from his court; and accordingly, he did not fail to acquaint the minister for foreign affairs, at their first conference, that the king his master had expressly enjoined him to listen to no proposal tending to separate the interests of his majesty from those of his allies.

There can be no question then but of a negotiation which shall combine the interests and pretensions of all the powers who make a common cause with the king in the present war.

In the course of such a negotiation, the intervention, or, at least, the participation of these powers will doubtless become absolutely necessary; and his majesty hopes to find at all times the same dispositions to treat upon a just and equitable basis, of which his majesty, the emperor and king, gave to the French government so striking a proof at the very moment of the opening of the present campaign.

But it appears, that the waiting for a formal and definitive authority on the part of the allies of the king, before Great Britain and France begin to discuss, even provisionally, the principles of the negotiation, would be to create a very useless delay.

A conduct wholly different has been observed by these two powers on almost all similar occasions; and his majesty thinks, that the best proof which they can give, at the present moment, to all Europe, of their mutual desire to put a stop, as soon as possible, to the calamities of war, would be to settle, without delay, the basis of a combined negotiation, inviting, at the same time, their allies to concur in it, in the manner the most proper for accelerating the general pacification.

It is with this view that the undersigned was charged to propose at first, and at the very commencement of the negotiation, a principle, which the generosity and good faith of his majesty could alone dictate to him—that of making compensation to France, by proportionable restitutions, for the arrangements to which she will be to consent, in order to satisfy the just pretensions of the king's allies, and to preserve the political balance of Europe.

The Executive Directory has not explained itself in a precise manner, either as to the acceptance of this principle, or as to the changes or modifications which it may desire to be made in it; nor has it, in short, proposed any other principle whatever to answer the same end.

The undersigned, then, has orders to recur to this point, and to demand, on that head, a frank and precise explanation, in order to abridge the delays which must necessarily result from the difficulty of form which has been started by the Executive Directory.

He is authorized to add to this demand the express declaration, that his majesty, in communicating to his august allies every successive step which he may take, relative to the object of the present negotiation, and in fulfilling, towards these sovereigns, in the most efficacious manner, all the duties of a good and faithful ally, will omit nothing on his part, as well to dispose them to concur in this negotiation, by the means the most proper to facilitate its progress, and insure its success, as to induce them always to persist in sentiments conformable to the wishes which he entertains for the return of a general peace, upon just, honourable, and permanent conditions. MALMESBURY.

No. 17.—ANSWER of the Minister for Foreign Affairs to lord Malmesbury's Note; dated Paris, 22nd Brumaire, 5th year, (November 12th).

The undersigned is charged, by the Executive Directory, to invite you to point out, without the smallest delay, and expressly, the objects of reciprocal compensation which you propose. He is, moreover, charged to demand of you, what are the dispositions to treat, on a just and equitable basis, of which his majesty, the emperor and king, gave to the French government so striking a proof, at the very commencement of the campaign. The Executive Directory is unacquainted with it. It was the emperor and king who broke the armistice. CH. DELACROIX.

No. 18.—Lord Malmesbury's Reply; dated Paris, November 12th, 1796.

The undersigned does not hesitate a mo-

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ment to answer the two questions which you have been instructed by the Executive Directory to put to him.

The memorial presented this morning by the undersigned, proposes, in express terms, on the part of his majesty the king of Great Britain, to compensate France, by proportionable restitutions, for the arrangements to which she will be called upon to consent, in order to satisfy the just pretensions of the king's allies, and to preserve the political balance of Europe.

Before the formal acceptation of this principle, or the proposal, on the part of the Executive Directory, of some other principle which might equally serve as the basis of a negotiation for a general peace, the undersigned cannot be authorized to designate the objects of reciprocal compensation.

As to the proof of the pacific dispositions given to the French government by his majesty, the emperor and king, at the opening of the campaign, the undersigned contents himself with a reference to the following words contained in the note of baron D'Egleman, on the 4th of June last: "The operations of war will in no wise prevent his imperial majesty from being ever ready to concur, agreeably to any form of negotiation which shall be adopted, in concert with the belligerent powers, in the discussion of proper means for putting a stop to the farther effusion of human blood." This note was presented after the armistice was broken.

MALMESBURY.

No. 19.—NOTE from lord Malmesbury to the Minister for Foreign Affairs; dated Paris, November 13th, 1796.

The minister plenipotentiary of his Britannic Majesty requests the minister for foreign affairs to inform him whether he is to consider the official note which he received from him yesterday evening, as the answer to that which lord Malmesbury delivered yesterday morning to the minister for foreign affairs, by order of his court. He applies for this information, that the departure of his courier may not be unnecessarily delayed.

MALMESBURY.

No. 20.—NOTE from the Minister for Foreign Affairs to lord Malmesbury; dated Paris, 23d Brumaire, 5th year. (Nov. 13.)

The undersigned minister for foreign affairs, declares to lord Malmesbury, minister plenipotentiary from his Britannic Majesty, that he is to consider the official note sent to him yesterday as the answer to that which lord Malmesbury had addressed to him on the morning of the same day.

CHARLES DELACROIX.

No. 21.—Second NOTE from lord Malmesbury to the Minister for Foreign Affairs; dated Paris, November 13th, 1796.

Lord Malmesbury has just received the answer of the minister for foreign affairs, in which he declares that the official note which he sent to him yesterday, is to be considered as the answer to that which lord Malmesbury addressed to him on the morning of the same day. Lord Malmesbury will transmit it, this day, to his court. MALMESBURY.

No. 22.—NOTE from the Minister for Foreign Affairs to lord Malmesbury; dated Paris, 23d Brumaire, 5th year. (Nov. 13.)

The undersigned, in reply to your second note of yesterday, is ordered by the Executive Directory, to declare to you, that he has nothing to add to the answer which has been addressed to you. He is also instructed to ask you, whether on each official communication which shall take place between you and him, it will be necessary for you to send a courier to receive special instructions?

CHARLES DELACROIX.

No. 23.—NOTE from lord Malmesbury to the Minister for Foreign Affairs; dated Paris, November 13th, 1796.

The undersigned will not fail to transmit to his court the note which he has just received from the minister for foreign affairs. He declares likewise that he shall dispatch couriers to his court as often as the official communications made to him may require special instructions. MALMESBURY.

No. 24.—NOTE delivered by lord Malmesbury to the Minister for Foreign Affairs; dated Paris, November 26th, 1796.

The court of London, having been informed of what has passed in consequence of the last memorial, delivered, by its order, to the minister for foreign affairs, does not think it necessary to add any thing to the answer made by the undersigned to the two questions which the Directory thought proper to address to him.

That court waits therefore, and with the greatest anxiety, for an explanation of the sentiments of the Directory, with regard to the principle it has proposed, as the basis of the negotiation, and the adoption of which appeared to be the best means of accelerating the progress of a discussion so important to the happiness of so many nations.

The undersigned has, in consequence, received orders to renew the demand of a frank and precise answer on this point, in order that his court may know with certainty, whether the Directory accepts that proposal; or desires to make any change or modifications whatever in it; or lastly, whether it would wish to propose any other principle, that may promote the same end. MALMESBURY.

No. 25.—ANSWER of the Minister for Foreign Affairs to the Note delivered by lord Malmesbury; dated Paris, 7th Frimaire, 5th year. (Nov. 27.)

In answer to the note delivered yesterday,

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November 26th, by lord Malmesbury, the undersigned, minister for foreign affairs, is instructed by the Directory to observe, that the answers made on the 5th and 22nd of last Brumaire, contained an acknowledgment of the principle of compensation, and that, in order to remove every pretext for further discussion on that point, the undersigned, in the name of the Executive Directory, now makes a formal and positive declaration of such acknowledgment. In consequence, lord Malmesbury is again invited to give a speedy and categorical answer to the proposal made to him on the 22d of last Brumaire, and which was conceived in these terms: "The undersigned is instructed by the Executive Directory, to invite you to designate, without the least delay, and expressly, the objects of reciprocal compensation which you have to propose."

CH. DELACROIX.

No. 26.—NOTE from lord Malmesbury to the Minister for Foreign Affairs; dated Paris, November 27th, 1796.

The undersigned, minister plenipotentiary of his Britannic Majesty, in answer to the note dated this morning, which was sent to him by the minister for foreign affairs, hastens to assure him, that he will not delay a moment in communicating it to his court, from which he must necessarily wait for further orders, before he can explain himself upon the important points which it contains.

MALMESBURY.

No. 27—NOTE delivered by lord Malmesbury to the Minister for Foreign Affairs; dated Paris, December 17th 1796.

The undersigned is charged to transmit to the minister of foreign affairs the enclosed memorial, containing the proposals of his court, with respect to the application of the general principle already established, as the basis of the negotiation for peace. He will, with the utmost readiness, enter with that minister into every explanation which the state and progress of the negotiation will allow, and he will not fail to enter into the discussion of these propositions, or of any counter-project which may be transmitted to him on the part of the Executive Directory, with that frankness and that spirit of conciliation, which correspond with the just and pacific intentions of his court. MALMESBURY.

No. 28.—(A.) Confidential MEMORIAL on the principal objects of restitution, compensation, and reciprocal arrangement; dated Paris, December 17th, 1796.

The principle already established, as the basis of the negotiation, by the consent of the two governments, is founded on restitutions to be made by his Britannic Majesty to France in compensation for the arrangements to which that power may consent, in order to satisfy the just pretensions of the allies of the king, and to preserve the political balance of Europe.

In order to accomplish these objects, in the manner the most complete, and to offer a fresh proof of the sincerity of his wishes for the re-establishment of general tranquillity, his majesty would propose, thar there should be given to this principle, on each side, all the latitude of which it may be susceptible.

I. His majesty demands therefore,

1. The restitution, to his majesty the emperor and king, of all his dominions on the footing of the *status ante bellum.*

2. The re-establishment of peace between the Germanic empire and France, by a suitable arrangement, conformable to the respective interests, and to the general safety of Europe. This arrangement to be negociated with his imperial majesty, as constitutional head of the empire, either by the intervention of the king, or immediately, as his imperial majesty shall prefer.

3. The evacuation of Italy by the French troops with an engagement not to interfere in the internal affairs of that country; which should be re-established, as far as possible, upon the footing of the *status ante bellum.*

In the course of the negotiation, a more detailed discussion may be entered into of the further measures, which it may be proper to adopt, respecting the objects of these three articles, in order to the providing more effectually for the future security of the respective limits and possessions, and for the maintenance of general tranquillity.

II. With regard to the other allies of his Britannic Majesty, his majesty demands, that there be reserved to her majesty the empress of all the Russias, a full and unlimited power, of taking part in this negotiation, whenever she may think fit, or of acceding to the definitive treaty, and thereby returning to a state of peace with France.

III. His majesty also demands, that her most faithful majesty may be comprehended in this negotiation, and may return to a state of peace with France, without any cession or burthensome condition on either side.

IV. On these conditions, his majesty offers to France the entire and unreserved restitution of all the conquests which he has made on that power in the East and West Indies, proposing at the same time that a mutual understanding should be established as to the means of securing for the future the tranquillity of the two nations, and of consolidating, as much as possible, the advantages of their respective possessions. His majesty offers, in like manner, the restitution of the islands of St. Pierre and Miquelon, and of the fishery of Newfoundland, on the footing of the *status ante bellum.*

But if in addition to this, his majesty were to wave the right given to him by the express stipulations of the treaty of Utrecht, of opposing the cession of the Spanish part of St. Domingo to France, his majesty would then demand in return for this concession, a compensation, which might secure, at least in

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some degree, the maintenance of the balance of the respective possessions in that part of the world.

V. In all the cases of cessions or restitutions, which may come in question in the course of this negotiation, there should be granted on each side, to all individuals, the most unlimited right to withdraw with their families and their property, and to sell their land and other immoveable possessions; and adequate arrangements should also be made, in the course of this negotiation, for the removal of all sequestrations, and for the satisfaction of the just claims, which individuals on either side may have to make upon the respective governments.

MALMESBURY.

No. 29.—(B.) Confidential MEMORIAL on the peace with Spain and Holland; dated Paris, December 17th, 1796.

The allies of France not having hitherto expressed any desire, or disposition, to treat with the king, his majesty might have forborne to enter into any detail on their account; but in order to avoid any delays prejudicial to the great object which the king has in view, and to accelerate the work of a general peace, his majesty will not refuse to explain himself in the first instance on the points which concern those powers. If then, the Catholic king should desire to be comprehended in this negotiation, or to be allowed to accede to the definitive treaty, this would meet with no obstacle on the part of his majesty. Nothing having hitherto been conquered by either of the two sovereigns from the other, no other point could, at the present moment, come into question but that of the re-establishment of peace, simply, and without any restitution or compensation whatever, except such as might possibly result from the application of the principle declared at the end of the fourth article of the memorial already delivered to the minister for foreign affairs.

But if, during the negotiation, any alteration should take place in the state of things, in this respect, it will then be proper to agree upon the restitutions and compensations to be made on each side.

With regard to the republic of the United Provinces, his Britannic Majesty and his allies find themselves too nearly interested in the political situation of those provinces to be able to consent in their favour to the re-establishmemt of the *status ante bellum*, as with respect to territorial possessions, unless France could, on her part, reinstate them in all respects in the same political situation in which they stood before the war.

If at least it were possible to re-establish in those provinces, agreeably to what is believed to be the wish of a great majority of the inhabitants, their ancient constitution and form of government, his majesty might then be disposed to relax, in their favour, from a very considerable part of the conditions on which the present state of things obliges him to insist.

But if, on the contrary, it is with the republic of Holland, in its present state, that their Britannic and Imperial Majesties will have to treat, they will feel themselves obliged to seek in territorial acquisitions, those compensations, and that security, which such a state of things will have rendered indispensable to them.

Restitutions of any kind, in favour of Holland, could in that case be admitted in so far only as they shall be compensated by arrangements calculated to contribute to the security of the Austrian Netherlands. The means of accomplishing this object will be found in the cessions which France has exacted in her treaty of peace with Holland, and the possession of which by that power would in any case be absolutely incompatible with the security of the Austrian Netherlands, in the hands of his Imperial Majesty.

It is on these principles that his Britannic Majesty would be ready to treat for the re-establishment of peace with the republic of Holland in its present state.—The details of such a discussion must necessarily lead to the consideration of what would be due to the interests and the rights of the house of Orange.

No. 30.—DISPATCH from lord Malmesbury to lord Grenville; dated Paris, December 20th 1796.

My lord;—Mr. Ellis returned from London on Thursday last the 5th instant, at five P. M. and delivered to me the dispatches No. 11 and 12, with which he was charged by your lordship.

Although nothing can be clearer, more ably drawn up, or more satisfactory than the instructions they contain, yet as it was of the last importance that I should be completely master of the subject, before I saw the French minister, I delayed asking for a conference till late on Friday evening, with a view that it should not take place till Saturday morning.

He appointed the hour of eleven A. M. on that day, and it was near one before we parted. Although what is said by M. Delacroix before he has communicated with the Directory cannot be considered as officially binding, and probably may, in the event, be very different from what I shall hear when he speaks to me in their name, yet as it is impossible they should not nearly conjecture the nature of the overtures I should make, and of course be prepared in some degree for them, it is material that your lordship should be accurately acquainted with the first impressions they appear to make on M. Delacroix.

I prefaced what I had to communicate with saying, that I now came authorized to enter with him into deliberation upon one of the most important subjects that perhaps ever

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of his majesty's most gracious message, and founded upon the papers with which it was accompanied involves many great and important considerations. Whatever difference of opinion may be entertained upon some of the topics which they contain, I am sure there will exist only one sentiment with regard to the event which they announce. We must all concur in that deep and poignant regret which is naturally excited by the information that the negotiation in which his majesty was engaged, is abruptly broken off; a negotiation by which we fondly wished, and perhaps might have sanguinely hoped, that upon terms of peace, which it would have been wise and prudent and honourable in this country to have embraced, we should at length have been enabled to have retired from a contest undertaken in compliance with the faith of treaties, and for the defence of our allies; undertaken to repel the daring, unprincipled, and unprovoked aggression of the enemy; undertaken for the maintenance of our own independence and the support of our own rights; undertaken for the preservation of our constitution and laws, and in obedience to those principles of policy by which the conduct of England has so long and so gloriously been directed; undertaken from a union of all these causes, and a combination of all these motives, to a degree for which the annals of the world present no parallel. From the documents of which the House are now in possession, and from the proceedings of which they are now enabled to judge, I trust it will appear, that if it was thought necessary to embark in the contest upon such urgent grounds and such powerful considerations, his majesty's ministers have evinced a perseverance equally sincere in their endeavours to restore peace to Europe upon fair, just, and honourable grounds, in spite of the discouragements under which they laboured, and the difficulties with which they had to encounter. To whatever cause, however, the failure of the negotiation is to be ascribed, it must be matter of regret to all, and to none more than to myself. Whatever subject of personal anxiety I may have had, in addition to the common feelings of humanity, and for the general happiness of mankind, my sentiments are only those of disappointment. But I have the satisfaction of knowing that this feeling of disappointment is unaccompanied with any reflection, unmingled with regret, unembittered with despondency, as it must be evident to the world, that the event which we deplore can be attributed only to the pride, the ambition, the obstinacy, and the arrogant pretensions of the enemy. I feel this consolation annexed to the task which we have now to perform, that we can come forward, not unaware of the difficulty, yet not dismayed by the prospect, prepared to review the situation in which we are placed to ask what are the causes from which the failure of the negotiation proceeded, what opinion it authorizes us to form, what conduct it requires us to pursue, what duty it imposes upon us to discharge, and what efforts we are called upon to exert in our own defence, and what support and assistance policy demands that we should grant to our allies for the vigorous and effectual prosecution of a contest in which we are compelled to persevere.

As to the next point which I shall have to consider, I cannot expect equal unanimity; not, however, that it is much more complicated, although undoubtedly not so self-evident. I allude to the failure of the negotiation, in point of terms, and which renders the continuance of the war necessary; but have we not the consolation that the aggression has uniformly been on the side of the enemy, and that nothing has been wanting on the part of this country to restore peace, on the grounds on which peace alone would be desirable? When we wish for peace, we wish for a secure and permanent peace, and the secure and permanent possession of those blessings with which peace is accompanied.

If in that necessity to which we are now subjected, of pursuing with vigour the war in which we are engaged, we can look for consolation, amid the sacrifices with which it will be attended, to the original aggression of the enemy by which it was occasioned, to the consideration, that no endeavour has been omitted which can evince our earnest and sincere desire of peace, and that this sentiment still predominates to put an end to the contest upon those principles which alone can render that event desirable; which can secure a peace, safe, honourable, and permanent, which can restore those blessings which it is calculated to produce, and those advantages for which it is worthy to be desired;—if we have adhered to these considerations

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we have done every thing which it was in our power to perform. We may lament the failure of his majesty's exertions upon this occasion, but at least we have not to regret that they have been wholly without advantage. They must prove to which party the prolongation of the war is to be imputed; they will tend at once to unite England and to divide France; they will animate our endeavours with new energy and new confidence, while they must have the effect to enfeeble and to embarrass the operations of the enemy. The question is not merely how far his majesty's ministers and those to whose province it is committed to judge of the terms upon which peace ought to be concluded, and what offers are to be proposed (a duty always attended with difficulty, but in the present circumstances peculiarly embarrassed and unusually critical) acted properly in the conditions upon which they were willing to treat; but after the propositions which were made had been rejected: when, instead of yours, terms utterly inadmissible and glaringly extravagant were substituted; when, to a peremptory rejection was added the refusal of all farther discussion; when the negotiation was abruptly broken off, and his majesty's ambassador was sent away; when all this is accompanied with a proceeding still more insulting than the original dismissal, when a condition is reserved, which is not even the semblance, but which stands undisguised as the most glaring mockery of negotiation, it remains for the House to judge whether any thing has been wanting upon the part of ministers, whether any thing more is required to display the sentiments and the views of the enemy. It remains to be seen whether there are any gentlemen in this House, who, as friends to peace, as friends to their country, who, consistent with the principles of statesmen, or the feelings of patriots, can discover any alternative in the ultimate line of conduct to be pursued. From the manner in which what I have now said has been received, I hope it will not be incumbent on me to dwell more particularly upon this topic, before I advert to others which come previously to be considered.

The two leading points which arise from the views connected with the subject in discussion, are, the sentiment which it is proper to express upon the steps to be taken by his majesty for the purpose of obtaining peace, and then, combining the offer made with the rejection of the enemy, and the circumstances with which it was accompanied, what sentiment parliament and the nation ought to entertain with regard to the conduct necessary to be adopted for our own security, for maintaining the cause of our allies, and protecting the independence of Europe. After the communications which have already been made of the former steps taken by this country, and on the part of the Emperor for the purpose of bringing the contest to a termination, it would be unnecessary to dwell upon the particulars of these transactions. I would beg leave, however, to remind the House, that, in March 1796, offers were made to the French government, by his majesty's envoy at Basle, Mr. Wickham, to treat for a general peace, in a manner which of all others had been most usual in a complicated war, a mode sanctioned by custom and justified by experience, which had been commonly found successful in attaining the objects for which it was intended; yet this proposal met with a refusal, and was affected to be received as a mark of insincerity. We find the enemy advancing a principle, to which I shall afterwards more particularly advert; so manifestly unjust, and so undeniably absurd, that whatever difference of opinion subsisted upon other points, there was no man living had the temerity to support it. The question upon the former discussions to which this transaction gave rise, was, whether the principle to which I allude was fairly imputed. In the answer to Mr. Wickham's note, when we found the government of France advancing a law of her own internal constitution, to cancel the obligation of treaties, and to annul the public law of Europe, the only doubt was, whether it was fair and candid, upon such a foundation, to ascribe to the Directory the reality of such a pretension. The principle itself I am sure can never be successfully defended upon any law of nations, or any argument of reason. The Emperor too, in spite of the refusal with which the application of this country had been received; in spite of the discouragement which a new attempt presented; did, at the opening of the campaign, renew the offers for negotiating a general peace upon the principles upon which the proposition of this country had been founded. In the course of this eventful year, so chequered with remarkable vicis-

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situdes, before the successes of the enemy, which unfortunately so rapidly followed the breaking of the armistice, and before the glorious tide of victory by which the latter period of the campaign had been distinguished, many instances occurred for the application of their principle. The proposition of the Emperor, however, was received nearly in the same manner with our own; and even the answer which it produced was conceived in the same tone, and conveyed the same unfounded imputation, excepting that there were some topics with regard to points of etiquette and differences about form, which, upon the application of this country, had not been observed till they were renewed upon the perusal of reports of certain proceedings in this House, whether faithfully detailed or not I will not inquire. The answer which the Emperor received was, that he might send a plenipotentiary to Paris to treat for a peace, consistent with the laws and constitution of the Republic, Notwithstanding the discouragement which the repeated experience of former disappointments was calculated to produce, his majesty, retaining that desire of putting a period to hostilities by which he was uniformly animated, felt some hope from the distress to which France was reduced, and from the embarrassments under which she laboured, that a renewed proposal would be welcomed with a more friendly reception. To show that the inveterate disposition which the enemy had manifested did not discourage his majesty from giving another chance of success to his ardent wishes, without having witnessed any indication upon their part of sentiments more pacific or more conciliatory, without their having discovered any retraction of the principles which had been advanced in reply to his first proposal, his majesty determined to try the experiment of a new attempt of negotiation, to the circumstances of which I shall again recur.

Upon many occasions during the present contest it has been discussed, whether it was politic for this country to appeal to negotiation in whatever circumstances the enemy were placed. Gentlemen on the other side were accustomed to press the argument, that in no situation could negotiation be humiliating. If a sincere desire of peace, it was said, does exist, there are modes of ascertaining the dispositions of the enemy, of making your wishes known, and making advances to the attainment of the object, without involving any question of etiquette or provoking any discussion of forms. Of all the modes then recommended, that of application through the medium of a neutral minister was the most approved. After the reception which the successive proposals of this country, and of the Emperor, received at Basle, the mode of application by a neutral power, by that very power which had been again and again cited as an instance of the good faith of the French government, and their respect for independant states, was at length adopted, and the Danish minister was pitched upon for this purpose. In this proceeding it was not the object to announce on what terms this country was willing to conclude a peace, not to avoid any objections of etiquette, not to evade any discussion of preliminary formalities, but merely to ascertain the point, whether the Directory would grant passports to a confidential person whom his majesty was willing to send to Paris. The application was accordingly made by the Danish resident, and, after an interval of some days delay, this step was allowed to pass in silence; to a written application no answer was returned, and at last a verbal notification was given, that the Directory could not listen to any indirect application through the medium of neutral powers, and that a plenipotentiary might proceed to the frontiers, and there wait for the necessary passports.

I would now ask the House to judge, if it had really been the wish of his majesty's ministers to avail themselves of the plausible grounds for proceeding no farther, which were then presented, which could so easily be justified by a reference to the conduct of the French government, and by the dispositions by which experience had proved them to be guided, would they have been very eager again to try the issue of new attempts? But even to this they submitted, and by a flag of truce sent to the governor of Calais, directly demanded the necessary passports.—The Directory, now feeling the eagerness with which this country pursued the desire of terminating the contest by negotiation, and, foreseeing the odium with which the refusal would be attended, were compelled, I repeat, were compelled to grant the passports, and thus to afford to his majesty the opportunity of presenting the outline of the terms upon which peace might be restored. Under circumstances like these, with the experience of an uni-

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form tenor of conduct which testified the very reverse of any disposition to a cordial co-operation for the re-establishment of peace, there was little hope that the French government would keep pace with the offers proposed by this country, and it was foreseen that it would rest with his majesty, after stimulating their reluctant progress through every part of the discussion, to encounter the farther difficulty of proposing specific terms. In this embarrassing situation the first thing to be done was to endeavour to establish what is at once conformable to reason, sanctioned by usage, and agreeable to universal practice since negotiation was first reduced to a system; I mean some basis upon which the negotiation was to be founded. How usual such a practice had been, it would be unnecessary to argue; how reasonable, it would be impossible to dispute: as it must be evident that such a mode of proceeding must conduce to abridge the delay with which a discussion of this kind is apt to be attended, to afford a clue to that labyrinth of complicated interests that are to be considered, and to supply some rule of stating mutual propositions. It would be equally unnecessary, as this mode was to be adopted in a negotiation where we, for ourselves directly, had so little to ask, and for our allies so much, and where the interests of Europe demanded such important claims; where we had to treat with a country which had advanced principles that destroyed all former establishments; that cancelled all received laws and existing treaties; that overthrew all experience of past proceeding. This basis then was to be a basis of compensation, not of ambition or aggrandizement, but that compensation which was due for the conquests achieved by the valour and perseverance of our forces from the acquisitions gained by the enemy; a basis than this I am confident more equitable, or more just, better calculated to secure the interests of our allies, to maintain the independence of Europe, or more honourable to this country, never was proposed. But whether this basis be reasonable or not, is not now so much the inquiry, as another proof of the views of the enemy is disclosed, and a fresh instance of the inveterate disposition of the French government is displayed. Before any explicit answer to the basis proposed was returned; when it was understood that it was to be rejected, lord Malmesbury is required, within twenty-four hours, to present his *ultimatum*. It appears, however, from the able manner in which lord Malmesbury conducted himself upon this demand, that this demand was not insisted upon, and to his explanation, they replied only by an evasive answer, which announced their refusal of the basis proposed, and intimated the extravagant pretensions they were desirous to substitute. I will now put to the recollection of the House the public discussions, to which the subject of the basis of negotiation presented to the French government gave rise. I will not say that the public was unanimous, nor will I pretend to decide in what proportions it was divided. None, however, doubted that this basis would not be agreed to. In the public discussion to which the plan was subjected (by this I do not mean parliamentary discussions) and in the writings which it produced, particularly in the metropolis, the argument maintained was, that the principle was unreasonable, and ought not to have been offered. The Directory, however, thought proper to accept what it was argued in this country ought to have been refused, and the principle of compensation was admitted.

Having, I trust, shown therefore, from the extorted confession which arises out of every statement, that the basis of compensation was accepted, there follow the particular terms, as far as they were the subject of negotiation. It is a point well understood that the final terms to be considered as binding upon the parties, never form a part of the original proposition. What, however, is the case here? When the first advances were made by this country, they were met by no corresponding offers by the Directory, every difficulty that was started and removed, prepared only new cavils: the demands made by us were accompanied by no disclosure of the terms to which they would accede. After a reluctant admission of the basis, they insisted upon a specific statement of the objects of compensation. Under circumstances similar to those upon which the negotiation was begun, the difficulties with which it is attended must be obvious, and the common practice has been, as far as possible, to divide them to render the statement of terms mutual, to give reciprocally, and at the same time, the explanations, the concessions, and the demands upon which each party is

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disposed to insist. The propriety of this is obvious. Without such a mode of proceeding it is impossible to know what value the one sets upon a particular concession, or a particular acquisition, and upon what conditions this is to be abandoned, and how the other is to be compensated. This difficulty obtains in all negotiations, more particularly where doubts are entertained of the sincerity of the party with whom you have to deal, but most of all when no advance, no reciprocal offer is made. How difficult then must it have been under all the circumstances of this case to produce specific terms with any probability of success or advantage. Yet the same motives which had induced his majesty on former occasions to surmount the obstacles presented by the enemy, induced him here likewise to remove every pretence of cavil. Plans were given in, signed by lord Malmesbury, stating likewise terms for the allies of this country. In the outline, two things are to be kept separate and distinct—the compensations demanded for our allies, and those which were intended to protect the balance of Europe.

I need not argue again that a basis of compensation is reasonable; that I am entitled to assume as admitted: but to what enormous extent it was retracted, I am now to state. During that period of adverse fortune which has since by the valour and glory of the gallant imperial army so remarkably been retrieved, considerable possessions belonging to Austria and other states, were added to the acquisitions of the enemy. On the other hand, the success of our brave troops, retarded indeed in particular quarters by some untoward circumstances, though not obstructed, had added to our distant possessions, and extended, by colonial acquisitions, the sources of our commerce, our wealth, and our prosperity, to a degree unparalleled even in the annals of this country. Feeling the pressure, which the war, no doubt, gave to our commerce, but feeling too that it neither affected the sources of our commerce, nor would ultimately retard the full tide of our prosperity, I was convinced that the temporary embarrassments which occured, were less the effect of a real distress, than of an accidental derangement arising from our increasing capital and extended commerce. In looking round, you discovered no symptom of radical decay, no proof of consuming strength: and although I have been accused of advancing a paradox, while I maintained this proposition, I am convinced that the embarrassment stated as an evidence of decline, was a proof of the reality and the magnitude of our resources. I do not state these circumstances, to give any one an idea that I do not ardently wish for peace, but to show that we are not yet arrived at so deplorable a state of wretchedness and abasement, as to be compelled to make any insecure and dishonourable compromise. What, on the other hand, was the situation of the enemy? They at first indeed were enabled to employ gigantic means of support, which from their extravagant nature, were temporary, not permanent. They find also the additional expedient of disseminating new, unheard-of, destructive principles; these they poured forth from the interior of France, into all the quarters of Europe, where no rampart could be raised to oppose the dangerous, the fatal inundation. Although madness and fanaticism carried them thus far for a time, yet no rational man will deny that those persons formed a fair and reasonable conclusion, who thought that such resources could not be attended with either duration or stability. I need hardly recur to the subject of French finance, though it has a very considerable effect indeed upon the question. I have on this subject been accused of bringing forward groundless surmises, of using fanciful reasoning, of stating elaborate theories without authority. I have even been complimented on my dexterity at this sort of argument, for the kind purpose of afterwards converting it into ridicule; but I shall not now stop to confirm what in this respect I have formerly asserted: I may surely, however, suppose that the admissions of the Executive Directory are true, particularly when officially conveyed in the form of a message to one of their councils. Are we told by themselves, that the only pay of their troops are the horrors of nakedness and famine; that their state contractors, their judges, and all other public functionaries, receive no part of their salaries; that the roads are impassable, that the public hospitals and general interests of charity are totally neglected; that nothing, in short, remains in a state of organization but murder and assassination? Is this a true picture drawn by themselves, and can this be the time for Europe to prostrate itself at the foot of France—suppliantly to bow

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the knee, and ignominiously to receive its law?

If these considerations would not have justified this country in refusing to treat unless upon the principle of restoring to the Emperor the territories of which he has been stripped, at least it is sufficient reason to entitle us to refuse to the French republic in the moment of debilitated power and exhausted resource, what we should have disdained to grant to France in the proudest days of her prosperous and flourishing monarchy. It was reason enough why we should not desert our allies, nor abandon our engagements, and why we should not agree to yield up to France for the pretence of preventing future wars, what for two centuries our ancestors thought it wise to contend to prevent the French from obtaining possession of; and why, after the recorded weakness of the republic, we ought not to resign without a struggle, what the power and the riches of France in other times could never extort? What then were we to attain by the conquests we had achieved? For ourselves, we had nothing to ask; we demanded the return of no ancient possessions: we sued not for liberty to maintain our independence, to reject the fraternal embrace, and prevent the organization of treason. These do not rest upon the permission of the enemy; they depend upon the valour, the intrepidity, and the patriotism of the people of this country. We desired, Sir, only to preserve our good faith inviolate, and were ready to sacrifice all our own advantages, to obtain what we could not honourably give away without the consent of the Emperor. Could we possibly ask less at the outset of a negotiation? I touch, no doubt, upon a delicate subject, but I ask, could we even have demanded the consent of the Emperor to ask less? Whatever might have been the disposition of the Emperor to peace, would he have been content to agree to inferior terms, when the campaign was not yet closed—when the enemy were yet struck with the effects of the brilliant and glorious success with which the imperial arms have lately been attended on the side of the Rhine, when the exertions in Italy might have been expected to communicate to the affairs of Austria in that quarter, the same tide of victory by which the frontiers of Germany were distinguished? Could we have asked less, consistently with the good faith we owe to that ally, to whose exertions and to whose victories we have been so much indebted; that ally to whom we are so closely bound by congenial feelings, with whom we participate in the glory of adversity retrieved, and of prosperity restored? In doing this, I am confident the House will agree in thinking that we do not do too much.

By the terms proposed, all the territory between the Rhine and the Moselle was to be ceded by France, subject to future modification. When the French conquests in Italy were stated as objects of restitution, it was not from that to be inferred that Savoy and Nice were included; for in no geographical view could they be considered as component parts of that country. All the propositions underwent discussion between the plenipotentiary of his majesty, and the French minister; only the British minister informed the minister of France, that as to the Netherlands, his majesty could, on no account, retract any part of his propositions, but that every thing else should be subject to modification. These offers, Sir, I maintain to have been extremely liberal in their principle, and more so, when we consider the application of it. We carried the principle of compensation to the fullest extent, when we offered to give up all that we had taken, reserving one subject only for consideration, which depended on a treaty, and which I shall presently mention; and we asked no more than what, by the strictest ties of justice and honour, we were bound to demand. Let me appeal to every one present if this conduct was not fair, just, and reasonable; if it did not bespeak sincere intentions and an anxious wish on the part of his majesty to procure peace, consistently with good faith and security to himself and his allies, and if it was not entitled to a candid reception from the enemy? As to the value of the French possessions which we offered to give up, it must be confessed that the same evils with which France has been afflicted have been extended to the colonial possessions; they have undoubtedly been much depreciated, much impoverished; but after all, they are of infinite importance to the commerce and marine of France. The valuable post of St. Domingo: the military and commercial advantages of Martinique; the peculiarly favourable military situation of St. Lucia; the importance of Tobago to this country; when we combine these, and place them in a united point

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of view, we have some reason to doubt whether there was not some degree of boldness on the part of his majesty's ministers to make such overtures; we have some reason to suspect the wisdom of the measure, rather than to cavil at the insufficiency of the offer.

I come now more particularly to mention what relates to the Spanish part of St. Domingo, in the late negotiation. By a former treaty with Spain made at the peace of Utrecht, in the year 1713, Spain engages not to alienate any of her possessions in America and the West Indies, without the consent of Great Britain. Have we not then a right to take advantage of this circumstance, on the present occasion, and to hold out our consent to this alienation, as a part of the compensation offered on the part of this country? In what consists the right of the French to the Spanish parts of St. Domingo? Is it the right of possession? No! they never yet have been in possession. Is it then merely the right of title? No! for their title is derived from the alienation of the Spaniards, who had no right to transfer it without the consent of this country. But it may be said that this treaty is old and obsolete. On the contrary, having been kept sacred up to the year 1796, it has gained strength by a long prescription; besides it has been recognized and confirmed at the end of every war since that time, and particularly so in the definitive treaty of 1783. It may be objected, however, and has indeed been urged on this occasion, that England herself has violated this treaty in the transaction of Pensacola and Florida; but this argument depends upon an obvious fallacy. The agreement with respect to the Spanish dominions in America and the West Indies was made between this country and Spain. Now, although the two parties to the agreement may, by consent at pleasure, modify their respective interests, it does not follow that either party can, without the consent, and to the disadvantage of the other, introduce the interests of third parties. Upon every view of this subject, then, I ask if we have not a fair and reasonable right to avail ourselves of the advantages arising to us from the treaty of Utrecht?

Sir, I think, that from the great extent of the subject, it will be unnecessary for me to trouble the House with any farther observation on that part of it; but I must request the attention of the House to the nature of the terms proposed with respect to the meditated peace between this country and her allies; and first with respect to Holland, a country which, although now hostile to us, I cannot help considering as having, at the commencement of the present war, been concerned in alliance with us in carrying it on, and connected in our interests by every tie of internal policy—a country which is now only opposed to us in consequence of the restraint imposed by the overbearing arms of France. However, Sir, notwithstanding Holland was our ally, and an ally, whose protection against the common enemy was one of the causes of our entering into the war; yet, as circumstances have occurred, which have compelled Holland to become the enemy of this country, I must, of necessity, treat her as such; I must consider her in the relation, in which she stands with respect to France, though at the same time I cannot bring myself to forget she was formerly an ally, whose friendship was attended with reciprocal advantages to herself and to this country. I am satisfied, if it were possible to replace Holland in the situation in which she formerly stood, and restore her legitimate government, not nominally, but permanently and effectually, that such a restoration would undoubtedly redound to the advantage of this country. But as it is perhaps a question of too remote contingency to consider the advantage which we should acquire by the restoration of Holland to her former system, such an event, either nominally or really, being extremely unlikely under the present aspect of things, I shall therefore refrain from arguing the point. Now, Sir, as to the conduct pursued on the part of this country, with regard to her connexions with other powers, and supposing for the present that Holland may for a time remain subject to France, I may be allowed to assert that the terms proposed by this country, on behalf of her allies, were such as could only be dictated by a principle of moderation, of disinterestedness, and earnest desire for peace. This country having nothing to ask for herself, was induced to surrender a considerable part, nay, almost the whole of her acquisitions, for the purpose of inducing the French to give up to our allies that territory she has wrested from them.

The continental possessions which France had acquired from Holland, might perhaps be subjects of discussion in what

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manner they were best to be arranged at once for the interest of Holland, and of the allies. But these and the conquests made by this country must be considered in the view of restitution, as merely an addition to the French power. We ought to consider that those posessions, with regard to which no relation was to be admitted, were to be retained, in order that they might not become acquisitions to the French government. In refusing to yield them up, we only refuse to put into the hands of the enemy the means of carrying into effect the deep laid schemes of ambition they have long cherished, and the plan they have conceived of undermining our Indian empire, and destroying our Indian commerce, by ceding out of our own hands, what may be deemed the bulwark of the wealth of this country, and the security of the Indian empire. These, indeed, were refused to be given up to our enemies; but every thing else which the valour and the arms of this country had acquired, which was valuable, was proposed to be made matter of negotiation. This, Sir, was the nature of the propositions made at the very first moment when the negotiation was commenced: and I again submit to the final decision of the House, whether a proposition, including the restoration of every thing valuable which we had acquired, except that which we could not forego without manifest detriment to the most important interests of the country, was not founded in liberality and sincerity. Sir, I must beg leave to observe, that on this part of the subject I have been the more anxious to be explicit, because it is that part on which I lay the more particular stress, as tending to prove to the House, that every thing was done at the commencement, every thing distinctly stated, on which this country was willing to enter upon a negotiation. I am the more desirous of impressing the House with this part of my argument, because I feel it material in order to enable them to form a determinate precise idea of the character and prominent features of the negotiation itself. In return to the statements of compensation proposed by this country, the French government presented no *projet* of their own, they afforded no room for discussion, because they were actuated by motives very distant from conciliation.

Thus much I have thought it necessary to state, in vindication of the character of myself and colleagues, that the House may be enabled to see that we never lost sight of the idea of a peace advantageous for our allies, safe for Europe, and honourable to this country. With regard to any specific terms of peace, which it might be proper to adopt or refuse, I do not think it would be wise for the House to pronounce. This may still be considered as a dormant negotiation, capable of being renewed; and it would be impolitic to give a pledge to any specific terms to which it might be impossible to adhere, and which can never be incurred without rashness. No man can be pledged to any particular terms, because in these he must be guided by a view of collateral circumstances, and a comparative statement of resources. All that I wish parliament to pronounce is, that they will add their testimony to the sincerity with which his majesty has endeavoured to restore peace to Europe, and their approbation of the steps which were employed for its attainment. But even after their rejection of every proposition that was advanced, after all the difficulties they started, after all the cavils they employed, after all the discouragements which they presented, when, at last, the French government had been compelled to open the discussion, the first thing that happens, after requiring a note containing specific proposals, is a captious demand to have it signed by lord Malmesbury. This demand was complied with to deprive them of every pretence for breaking off the negotiation, and immediately they call for an ultimatum in twenty-four hours. The impossibility of complying with such a demand is obvious. Was it possible to reconcile discordances, to smooth opposition, or pronounce good understanding in this manner? Does it come within the scope of the negotiation? Is an ultimatum, which means that demand which is to come the nearest to the views of all parties, and to state the lowest terms which could be offered, thus to be made out at random, without knowing what the enemy would concede on their part, or what they would accept on ours? A proposal, drawn up in such a manner, without explanation, without information, could have no good effect. It is a demand contrary to all reason and to all principle. With such a demand, therefore, it was impossible to comply; and in consequence of this, lord Malmesbury received orders to quit Paris in forty-eight hours, and the territories of the republic as soon as possible.

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Perhaps, however, I shall be told, that the negotiation is not broken off, and that the French government have pointed out a new basis upon which they are still willing to proceed. There are two things upon this subject not unworthy of consideration. The time at which they propose this new basis, and what sort of basis it is that they propose. After having approved and acted upon the basis proposed by his majesty's government: after having acknowledged, and, to all appearance, cordially acquiesced in it, as the ground of negotiation; after having demanded an ultimatum at the very commencement of this negotiation, and before any discussion had taken place, to be delivered in to the Directory, in the space of twenty-four hours; and after dismissing the ambassador of the king with every mark of ignominy and insult, they propose a new basis, by which the negotiation is to be carried on by means of couriers. And what is the reason they assign for this new basis? Because lord Malmesbury acted in a manner purely passive, and because he could assent to nothing without dispatching couriers to obtain the sanction of his court. Here one cannot help remarking the studied perverseness of the temper of the French government. When a courier was dispatched to Paris, at the instance of the minister of a neutral power, in order to get a passport from the French government, it was denied. A courier could not even obtain a passport, though the application was made to the Executive Directory through the medium of the Danish minister. The request of the Danish minister was not enough: nothing could satisfy them but a British minister. Well, a British minister was sent. At the commencement of the negotiation he had occasion frequently to send dispatches to his court, because it is very well known that there are a great number of difficulties which attend the opening of every negotiation, and because lord Malmesbury had been sent to Paris before the preliminaries, which are usually settled by means of couriers, were arranged. While these preliminaries were in a course of settling, lord Malmesbury's presence was barely endured, and the frequent dispatches of his couriers were subjects of animadversion; but no sooner were these preliminaries settled, and the British minister delivered in a *projet* when there was less necessity for dispatching couriers, when the period for discussion was arrived, when the personal presence of an ambassador was particularly necessary, and when the king's minister announced to the French government that he was prepared to enter into discussion upon the official memorials containing his *projet*, than he was ordered to quit Paris, and leave the negotiation to be carried on by means of couriers. Such is the precise form, and it was impossible to devise a better, in which a studied insult, refined and matured by the French Directory, was offered to his Britannic majesty.

I now come to state the broad plain ground on which the question rests, as far as the terms, upon which we are invited to treat on this new basis, are concerned. After having started a variety of captious objections at the opening of the negotiation, after the preliminaries were with much difficulty adjusted, after an ultimatum was demanded, almost before discussion had commenced, after the king's minister was ordered, in the most insulting manner, to leave the territories of France, after a retraction by the Executive Directory of the original basis of negotiation, and the substitution of a new one in its place, they demand, not as an ultimatum, but as a preliminary, to be permitted to retain all those territories of which the chance of war has given them a temporary possession, and respecting which they have thought proper contrary to every principle of equity and the received laws of nations, to pass a constitutional law, declaring, as they interpret it, that they shall not be alienated from the republic. Now whether this be the principle of their constitution or not, upon which I shall afterwards have occasion to make some observations, it was at least naturally to be supposed that the principle had been virtually set aside when the former basis of negotiation was recognized by the French Directory: for it must have been a strange admission of the principle of reciprocal compensations indeed, if they were obliged by the rules of their constitution to retain all those conquests which we were most bound in duty and in honour to insist upon their giving up (not by any mystery of a new constitution, which is little known, and even among those who know it of doubtful interpretation, but by public and known engagements) and if they were under the same constitutional necessity, which they certainly are, of demanding

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the restitution of those colonies formerly in their possession, but which they have lost in the course of the war. Notwithstanding, however, their disavowal of this principle in the admission of the former basis of the negotiation, it is now alleged as a ground for the pretension, that they are entitled, as a matter of right to demand from this country, not as an ultimatum, but as a preliminary to the discussion of any articles of treaty, that we shall make no proposals inconsistent with the laws and constitution of France. I know of no law of nations which can in the remotest degree countenance such a perverse and monstrous claim. The annexation of territory to any state, by the government of that state, during the continuance of the war in which they have been acquired, can never confer a claim which supersedes the treaties of their powers, and the known and public obligations of the different nations of Europe. It is impossible in the nature of things, that the separate act of a separate government can operate to the dissolution of the ties subsisting between other governments and to the abrogation of treaties previously concluded: and yet this is the pretension to which the French government lay claim, and the acknowledgment of which they hold out, not as an ultimatum, but as a preliminary of negotiation, to the king of Great Britain and his allies. In my opinion, there is no principle of the law of nations clearer than this, that when in the course of war any nation acquires new possessions, such nation has only temporary right to them, and they do not become property till the end of the war. This principle is incontrovertible, and founded upon the nature of things. For, supposing possessions thus acquired to be immediately annexed to the territory of the state by which the conquest was made, and that the conqueror was to insist upon retaining them, because he had passed a law that they should not be alienated, might not the neighbouring powers, or even the hostile power ask—Who gave you a right to pass this law? What have we to do with the regulations of your municipal law? Or, what authority have you, as a separate state, by any annexation of territory to your dominions, to cancel existing treaties, and to destroy the equilibrium established among nations? Were this pretension to be tolerated, it would be a source of eternal hostility, and a perpetual bar to negotiation between the contending parties: because the pretensions of the one would be totally irreconcileable with those of the other.

This pretension in the instance of France has been as inconsistent in its operations as it was unfounded in its origin. The possessions which they have lost in the West Indies in the course of the war, they made independent republics; and what is still more singular, Tobago, which they have lost in the war, and which is retained by British arms, is a part of indivisible France. I should not be surprised to hear that Ireland, in consequence of the rumour which has been circulated of their intention to attempt an invasion upon that country, is constitutionally annexed to the territories of the republic, or even that the city of Westminster is a part of indivisible France. There is a distinction, no doubt, between the Netherlands and the West India islands, but it whimsically happens that this principle, of law, that this constitutional pretension is least applicable to those possessions upon which it is held out as operating by the French government, and that the Austrian Netherlands, even by the letter of their own constitution, ought to be exempted from its operation. I own I am little qualified to read a lecture upon the French constitution, and perhaps I shall be accused, in my interpretation of it, of pretending to understand it better than they do themselves. Here I must remind my accusers, however, that even M. Delacroix, that great master of the law of nations, allows that, on this point, the constitution is not perfectly clear, and gives that particular interpretation of it upon the authority of the best publicists. I again repeat it—that, in discussing the terms of a treaty with France, I am not obliged to know either her constitution or her laws, because it was unreasonable for her to advance a pretension upon a foundation inconsistent with the received law of nations and the established nature of things. But it will demonstrate their insincerity and the shallowness of the subterfuges to which they have been obliged to have recourse, if I can show that no such law is in existence, and that their constitution leaves the government entirely at liberty to dispose of the possessions which they have acquired in war, in any way they may think proper. I have looked through this voluminous code [holding a copy of the constitution in his

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hand], and I think it may be considered as an instance that a constitution upon paper, digesting and regulating the conduct of municipal jurisprudence as well as of foreign relations, does not lead to the best application of the true principles of political economy. In the copy of their constitution all I find upon the subject is, a declaration that France is one and indivisible, which is followed by a long list of departments. And here I would recommend it to gentlemen to read the report upon which this decree was founded in which they will find that it was passed for the avowed purpose of obtaining for France an indisputable ascendant in Europe, and of suppressing the trade and commerce of rival nations. Overlooking, however, the principle of the decree, if it was found inapplicable to the possessions of the French in the East and West-Indies, which they had previous to the war, it was certainly much more inapplicable to the Austrian Netherlands, of which they have got possession in the course of the war; and, therefore the government, in holding out the principle as operating upon the latter, and not to the former, apply it to that part of their territory to which it is least applicable.

If we look at the provisions under the next title, "respecting relations with foreign powers," the argument against the existence of any such principle in their constitution is confirmed; for we find the executive government is there vested with the full power of treating, but all their treaties must be ratified by the legislative bodies, with the singular exception of secret articles, which it is in the power of the Directory to put in execution without being ratified, a proof that they are authorized by the constitution to alienate territories belonging to the republic. Allowing, however, that it is a principle of their constitution, is it an evil without a remedy? No. M. Delacroix confesses that it may be remedied, but not without the inconvenience of calling the primary assemblies. And are we then, after all the exertions that we have made in order to effect the object of general pacification, and after being baffled in all our efforts by the stubborn pride and persevering obstinacy of the French government, after our propositions have been slighted, and our ambassador insulted, are we now to consent to sacrifice our engagements, and to violate our treaties, because, forsooth, it would be attended with some inconvenience for them to call their primary assemblies, in order to cancel a law which is incompatible with the principle of fair negotiation? Shall we forget our own honour, our own dignity, and our own duty, so far, as to acquiesce in a principle as a preliminary to negotiation, intolerable in its tendency, unfounded in fact, inconsistent with the nature of things, and inadmissible by the law of nations?

But this is not all the sacrifice they demand. This is not all the degradation to which they would have us submit. You must also engage, and as a preliminary too, to make no propositions, which are contrary to the laws of the constitution, and the treaties which bind the republic. Here they introduce a new and extraordinary clause, imposing a restriction still more absurd and unreasonable than the other. The republic of France may have made secret treaties which we know nothing about, and yet that government expects that we are not to permit our propositions to interfere with these treaties. In the former instance we had a text upon which to comment, but here we are in the state of those diviners who were left to guess at the dreams which they were called upon to interpret. How is it possible for this country to know what secret articles there may be in the treaty between France and Holland? How can we know what the Dutch may have ceded to France, or whether France may not have an oath in heaven never to give up the territories ceded to her by Holland? Who can know but her treaty with Spain contains some secret article guaranteeing to the latter the restitution of Gibraltar, or some important possession now belonging to his majesty? And how can I know whether the performance of all these engagements may not be included under the pretension which the French government now holds out? How is it possible for me to sound where no one can fathom? And even after you have acceded to these preliminaries, in what situation do you stand? After accepting of terms of which you are entirely ignorant, and giving up all that it is of importance for you to keep, you at last arrive at a discussion of the government which France may choose to give to Italy, and of the fate which she may be pleased to assign to Germany. In fact, the question is not, how much you will give for peace, but how much disgrace you will suffer at

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the outset, how much degradation you will submit to as a preliminary? In these circumstances, then, are we to persevere in the war with a spirit and energy worthy of the British name and of the British character? Or are we, bysending couriers to Paris, to prostrate ourselves at the feet of a stubborn and supercilious government, to do what they require, and to submit to whatever they may impose? I hope there is not a hand in his majesty's councils that would sign the proposals, that there is not a heart in this House that would sanction the measure, and that there is not an individual in the British dominions who would act as the courier.—Mr. Pitt concluded with moving,

"That an humble Address be presented to his majesty, to return his majesty the thanks of this House for his most gracious Message; and for having been pleased to lay before the House the papers which have been exchanged in the course of the late discussion, and the account transmitted to his majesty of its final result:—To assure his majesty, that we cannot but deeply participate in the concern which his majesty (from his constant regard to the interests of his subjects) naturally feels in the disappointment of his earnest endeavours to effect the restoration of peace, and in the abrupt determination, on the part of the French government, of the negotiation in which his majesty was engaged: but that it affords us the greatest consolation, and the utmost incitement to our zeal and perseverance, to observe the abundant proofs that his majesty's conduct has been guided by a sincere desire to effect the restoration of general peace, and to provide for the permanent interests of his kingdoms, and for the general security of Europe; while his enemies have advanced pretensions, at once inconsistent with those objects, unsupported even on the grounds on which they were professed to rest, and repugnant both to the system established by repeated treaties, and to the principles and practice which have hitherto regulated the intercourse of independent nations:—That, in this situation, persuaded that the present continuance of the calamities of war can be imputed only to the unjust and exorbitant views of his majesty's enemies, and looking forward, with anxiety, to the moment when they may be disposed to act on different principles, we feel it incumbent on us to afford his Majesty the most firm and zealous support in such measures as may be most likely to bring this great contest to a safe and honourable issue; and we place the fullest reliance under the protection of Providence, on his majesty's vigilant concern for the interests of his subjects, on the tried valour of his forces by sea and land, and on the zeal, public spirit, and resources of these kingdoms, which can never be called forth under circumstances more important to their permanent welfare, and to the general security and interests of Europe."

Mr. *Erskine* said, that when the right hon. gentleman first rose to move his address, he had hoped to have found it very different to what, on hearing it read, it turned out to be. He had hoped, that instead of binding the House to an engagement to his majesty to prosecute the war with vigour, it would have bore a resemblance to a passage of the right hon. gentleman's speech in an early stage of it, in which he said, that "he did not wish to pledge the House to any specific time or period to which the war ought to be protracted, or to any particular and specific terms which ought to be insisted on by the allies." The right hon. gentleman, however, by this address, would precisely draw the House, if they should agree to adopt it, into that very situation to which he had said he would not wish to pledge them. There were two propositions in the right hon. gentleman's speech, which he wished particularly to controvert. He would allow that the situation of the right hon. gentleman was, in some degree, critical, and that in the argument he made use of, he would naturally be led to say every thing he possibly could in favour of his own country. He believed, that he himself might, from that attachment which a man bears to the country in which he was born and educated, be induced to use every partial and favourable argument, in any point in which there was a dispute between France and Great Britain, in support of his own country. But, standing there as a representative of the people, and speaking to a point in which not only his own happiness and interest, but the interest and happiness of the whole people of this kingdom were so deeply concerned, it became his duty to speak what he believed to be the real truth, though that should, in some degree, militate against the justice of the proceedings of this country. The first of the two proposi-

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tions which he meant to controvert, was, "That France was the aggressor in the present war." The right hon. gentleman had not only asserted that France was the aggressor, but had declared, that all the obstacles which had been thrown in the way of the late negotiations, were entirely to be attributed to the pride, ambition, and arrogant demands of the present government of France. How did this matter stand at the commencement of the war? Ministers advised his majesty, that it was incompatible with the interests of this country that Belgium should be united with France. This was immediately communicated to the French government at that time, and they unequivocally disavowed every thing which ministers pretended to fix upon them. In all disputes between individuals, it was always found necessary by those who were called upon to adjust their differences, to inquire into the particular circumstances which were the original cause of those differences. Without coming at these, it would be impossible to judge fairly between the parties. This became the more necessary, if those disputes were of a mixed and complicated nature. In like manner, where negotiations were to be entered upon between two contending powers, it must be equally, or, perhaps, more necessary, to look back, in order to ascertain precisely what was the situation of the parties at the commencement of their quarrel; what was the aggression, what the extent of it, and by whom made. The right hon. gentleman, with that dexterity which was peculiarly his own, had represented as if the House would be only pledged for a time to support the continuance of the war: whereas he sincerely believed there would be no limits to its duration, till we were overtaken by calamities, to the pressure of which we should be compelled to yield. The right hon. gentleman well knew how far his powers of eloquence would go in obtaining the admiration of those around him; he likewise was perfectly aware how necessary his dexterity of argument became, when he wanted to lead members a few steps beyond what their admiration might induce them to go. He had therefore exerted all the powers with which he was so largely endowed, to establish this position in the minds of gentlemen — that the French were the aggressors. Let us, then, look back: let us refer to the period alluded to, and see how matters were actually circumstanced. On the 13th of December 1792, his majesty met the parliament: at that time M. Chauvelin, the ambassador of the French government, was in England. His majesty, in the speech from the throne, complained of three things; that the French had sent seditious missionaries into this country; that they meditated an invasion of Holland; and that they had interfered in opening the Scheldt. He begged the House to recollect, that at that particular period Belgium was in the possession of the French, though not as now; it was not then engrafted by the constitution into the territory of France as an integral part of it. At that time all the correspondence, between lord Grenville and the French ambassador was concealed from the House, though M. Chauvelin had given separate and satisfactory answers to all the complaints entertained by this court. He entreated that the king would bring to condign punishment those who disseminated sedition in his dominions, announced the determination of France to keep within her own limits, and to respect the rights of other nations. Notwithstanding this plain and specific disavowal of all the grounds of hostility, war was declared against France. At that time Belgium was not in her possession. He asked, then, whether France could be considered as the aggressor, who offered peace to this country on terms which the right hon gentleman would be worshipped as a God if he could now procure?— [Here Mr. Erskine suddenly stopped, and, after a pause, sat down under evident symptoms of indisposition.]

Mr. *Fox* rose and said:—Sorry, indeed, am I on account of my hon. and learned friend, whose indisposition has suddenly compelled him to sit down; sorry for the sake of the House, whose information, from the train of argument which he had adopted, has been thus unpleasantly interrupted; and sorry for the cause of peace and Great Britain, which ministers, by their imprudent counsels and infatuated policy, seem determined to push to the last verge of ruin, that I am thus unexpectedly called upon to address the House. I feel it, however, incumbent upon me to step forward, knowing that my opinion on the subject entirely coincides with that of my hon. and learned friend, but lamenting, that in consequence of his indisposition, the argument on this momentous question must considerably suffer

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from the want of that ability with which it would have been enforced. I need not state, that the business before us is of the utmost importance, that the occasion is such, as, though we may not think it necessary to contemplate it with despair, we cannot survey but with feelings of the deepest regret. After a war of four years, which is stated to have been attended with many occurrences highly honourable and advantageous to the British arms, and to have been accompanied with no disgrace, after the immense expenditure incurred in the prosecution of hostilities, an expenditure, which undoubtedly has been greatly aggravated by the extravagance of those concerned in superintending the plan of operations, after an addition of no less than two hundred millions to the national debt, and of nine millions to the permanent taxes of the country; after an enormous effusion of human blood; after an incalculable addition to the sum of human wretchedness, so far are we from having gained any point or any object for which we set out in the war, so far are we from having achieved any advantage, that the minister has this night come forward in a most elaborate speech, and has endeavoured to prove, that the only effect has been, that the enemy have become more unreasonable than ever in their pretensions, and that all hopes of peace are removed to a still greater distance. We are now not allowed to hope for the restoration of peace, unless some change is wrought by the events of war. And at what period is this prospect brought forward? After a war of four years, which so far from having produced any favourable change in the disposition of the enemy, if we may trust to the representations of the right hon. gentleman, has only served to increase the insolence of their style, and the exorbitance of their pretensions. The same necessity is still stated to exist for the continuance of the war.

It would, Sir, have been some consolation, if after the right hon. gentleman had stated at such length, and with such an elaborate display of eloquence the exorbitant pretensions of the enemy, he had suggested some means of reducing them. But, good God, how striking is the contrast! In this speech of three hours, I find only one solitary instance which is at all calculated to afford any hope of a satisfactory issue to the present unfortunate contest. And of what materials does the remainder of the speech consist? It is merely a revival of opinions by which we have been led on from year to year, and by which we have found ourselves constantly deluded. We are left in the same hopeless state with respect to the attainment of the object of the contest. The right hon. gentleman says, that he formerly gave a representation of the deplorable state of the French finances from uncertain documents, but that he is now enabled to confirm the same representation from the most indubitable authority — the statement of the Directory. I am apt to believe that the documents of the right hon. gentleman in both instances are equally authoritative. Formerly he proceeded on the speeches of leading members of the Convention, and on official reports. He now grounded his statement on a publication of the Directory. If his authority has failed him in former instances, what force can he now attach to conclusions drawn from similar premises. It has been found from experience, that in proportion as the finances of the French have been acknowledged, even by themselves, to be reduced to the lowest ebb, in the same proportion have their exertions been wonderful and unparalleled. Now the right hon. gentleman builds his conclusion of the certain ruin of the French finances on an immediate statement from the Directory. I wonder that he does not go farther, and quote the very ingenious letter of lord Malmesbury, in which he reports the conversation that took place between him and M. Delacroix. In this conversation the French minister is represented as having paid the highest compliments to the extensive means possessed by this country, as having described it from its internal sources of wealth, and from its colonies in the Indies, to be mistress of almost boundless resources. Thus, while the Directory admit that Great Britaiy is distinguished by her wealth, and full of resources, they have no hesitation to acknowledge their own poverty and embarrassments. They acknowledge to all Europe, that from the want of money, the army is considerably in arrears, and every branch of the internal administration under circumstances of the greatest embarrassment and distress. They at the same time allow to this country all the advantges of an augmented commerce, and of increasing opulence and prosperity. In this House we have heard France represented as sometimes in the gulph, and sometimes on the verge of bankruptcy;

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and it is rather curious, that at different periods we should have heard it alternately described at one time as in the very gulph, and at another as on the verge of bankruptcy. But, while they admit the ruined state of their own finances, what a striking contrast do their exertions in their present contest, and the success which has followed from their operations, afford to the conduct and fate of those who have been entrusted with the management of the war on the part of this country! Whilst we, in every quarter, which it was deemed most important to defend, have been losing city after city; whilst we have been equally driven from the possessions which we conceived to be necessary to the security of our commerce, or to the balance of power, France, resourceless and dispirited, all the while avowing her own distressed situation with respect to finance, and talking in the most respectful terms of our wealth and resources, has been constantly adding to her acquisitions, and aggrandising her empire. France appears, in the present moment, as the conqueror of most extensive and important territories. Belgium is annexed to her empire, great part of Italy has yielded to the force of her arms, and Holland is now united to the fate of the republic by ties of the strictest alliance. If, indeed, these acquisitions could be regained to the cause of Great Britain and her allies by a lofty tone of argument, if the tide of victory could be turned by the dexterity of debate, and the efficacy of our exertions bore any proportion to the insolence of our boasting, we need not yet be afraid to claim a decided superiority. We are not at all deficient on the score of confident assertion or presumptuous menace.

But, Sir, it is by other means, and by another criterion that this question is to be decided. Weak and inconsiderable as I am in this House, I did my utmost previous to the commencement of this unfortunate contest, to persuade the government to send an ambassador to Paris, when undoubtedly he would have met with the treatment which an ambassador of Great Britain is now alleged to have experienced. But when ministers tell us, that this ambassador was dismissed in a way unexampled in the history of civilized nations, they surely must have forgot the manner in which M. Chauvelin was sent from this country. At a subsequent period, when the whole of Belgium was regained, when the French were not possessed of one foot of ground in that territory, did I then neglect my duty to the country? No! I then renewed my motion for peace. This was at the period before the powers combined against France had gained the fortress of Valenciennes; but when it was certain that it must fall, I contended that then was the period to make peace. And I now ask, if an attempt had been then made to negotiate, whether we might not have expected to have obtained peace on terms as honourable and as advantageous as any which we can now possibly lay claim to? Again and again have I pressed upon the House the necessity and policy of adopting measures for the restoration of peace, and again and again have my motions for that purpose been rejected. In order to show how greatly ministers miscalculated the nature of the contest, at that former period when I argued for peace, it was said, "What, make peace before you have achieved a single contest, and when you are just beginning to make advances in the country of the enemy!" Such, at that time, was the style of reasoning brought forward in opposition to the arguments which I urged in favour of peace. So widely were ministers then deceived with respect to the nature of the contest, so falsely did they calculate as to the turn of subsequent events! Unhappy calculation! Unhappy mistake! The object did not respect a particular branch of trade, or a limited extent of territory: the most important interests of the country were at stake. The ministers, by their calculations, were not pledging Jamaica, or any island of the West Indies; they were pledging Great Britain herself, the fate of which may in some degree be considered as depending on the issue of this night's debate. The right hon. gentleman, formerly, in talking of the nature of the contest, made use of a memorable expression, which cannot easily be forgotten. He intimated that the nature of the contest was such, that our exertions ought to be bounded only by our resources, and that our efforts must be extended to the utmost pitch, before we could hope for an honourable termination of the struggle. He expressly declared that we ought not to cease from the contest, till we should be able to say,

——Potuit quæ plurima virtus
Esse, fuit; toto certatum est corpore regni.

The right hon. gentleman has stated the difficulties attendant upon the nego-

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tiation, as arising from two circumstances; first, the difficulty in all cases of proposing overtures, without being able to ascertain what reception they are likely to experience; secondly, the particular obstacles from the relative situation of the two countries. The right hon. gentleman has, however, omitted to state a difficulty more weighty and insuperable than either of those I have now mentioned. In every negotiation the difficulty of coming to any definitive arrangement must be infinitely increased, in proportion to the degree of distrust entertained by the parties with respect to their mutual intentions. If the right hon. gentleman had some reason to suspect the sincerity of the French Directory, had not they at least equal ground to entertain the same doubts with respect to his views in the negotiation? After every epithet of reproach had been exhausted by ministers to vilify their characters, was it to be expected that they would readily listen to terms of peace dictated by those ministers, except they were brought into that state of necessity and submission, which precluded them from any alternative, and compelled them to an unconditional compliance with any pacific proposition that might be presented to their acceptance? When lord Malmesbury, in addressing the French minister, so often brings forward his profession of high consideration, I cannot but smile, when I recollect that lord Auckland was made a peer (for I know of no other reason for his advancement to that dignity), merely because he declared that the men who are now addressed in such respectful terms "ought to be put under the sword of the law," and because he denounced them as miscreants and traitors to all Europe.* His lordship, by this declaration, brought forward in a public capacity, showed that he, acting on the part of Great Britain, was not slow to be their executioner and their judge.

Sir, there is one part of the address, which the right hon. gentleman has entirely omitted to notice, and to which I can by no means subscribe—that his majesty has neglected no proper opportunity to conclude this war. A few years ago, when I earnestly pressed the propriety of negotiation, the right hon. gentleman contended, that the French were not capable of maintaining the relations of peace and amity. He neither, however, at that time, nor at any subsequent period, showed any reason why they were not capable of maintaining those relations. I ask, in what respect they are now become more capable of maintaining those relations than when I formerly proposed to treat? Will the right hon. gentleman say, that then there was only a provisional government, and that there now exists a permanent constitution? I am sure that he will not venture to press that argument, as he must be aware of the extent to which it will lead him. And if such be the case, I have no hesitation to state, that the assertion in the address, that no proper opportunity has been omitted to conclude peace, is entirely false, and as such, must meet my decided negative. At last, however, the right hon. gentleman declares, that he felt it his duty to attempt negotiation. I did not think it my duty to come forward to animadvert either on the motives of his conduct, or on the probable result of the measure, till the event had spoken for itself. The result has proved to be such as, however anxiously we may be disposed to deprecate it, it was not difficult to foresee from the mode in which it has been conducted. If the country, indeed, consider the administration of the right hon. gentleman to be a blessing, they must take their choice between the continuance of that blessing and the restoration of peace. It is evident, that those individuals who have conducted the war with such notorious incapacity, and entailed so many mischiefs on the country, must of all others be the most unfit to repair the errors of their own policy, and secure to Great Britain the enjoyment of permanent tranquillity. But not only have they evinced this glaring incapacity in the management of the present war, their conduct in former negotiations with respect to Spain and Russia has been such as on the one hand to excite considerable distrust, and on the other to inspire a well-grounded of bringing them down from the loftiest pretensions to the most humiliating concessions. But what can be thought of their sincerity in the present instance, when they have repeatedly declared that any peace, under the particular circumstances, could only afford a breathing space from hostility, and ultimately must tend to redouble all the mischiefs to be dreaded from a continuance of the war? But even if ministers

* See Vol. 30, p. 705.

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had conducted the war with ability as distinguished as their incapacity has been notorious, if they had displayed in debate as much temper and prudence as they have discovered impolitic and indecent violence, if they had shown themselves as much friends to the French as on every occasion they have endeavoured to prove themselves the reverse; still I should have no hopes of peace on any permanent basis, except the present system of policy was entirely changed, and the principles upon which the war was undertaken totally disavowed. If the administration were to be transferred into the hands of persons whose abilities I admire, and whose integrity I respect, as much as I contemn and reprobate the talents and character of those who are now placed at the helm of affairs, still I should consider this change of system, and disavowal of principles, to be a necessary preliminary of peace. It is necessary, Sir, for the solidity of any peace that may be concluded, that maxims of sound sense and of impartial equity be recognised in the outset of the negotiation. The present has been a war of passion and of prejudice, and not of policy and self-defence. The right hon. gentleman, whatever may have been his sincerity in the transaction, is no stranger to the advantages that may be derived from the idea of a pending negotiation. That he now feels those advantages nobody will dispute. I know that some weeks ago a very confident report was circulated with respect to the probability of peace. It would be curious to know how far lord Malmesbury at that period was influenced by any such belief. It does not appear from the papers on the table, that at the moment he could reasonably hope for a successful issue to his negotiation. It seems doubtful, indeed, from the inspection of those papers, whether lord Malmesbury was not sent over merely to show his diplomatic dexterity; to fence and parry with M. Delacroix, in order to evince his superior skill and adroitness in the management of argument, and the arts of political finesse; to confound the shallow capacity, and superficial reasoning of the French minister, and to make the cause of this country appear to be the better cause. While lord Malmesbury was employed thus honourably in the display of his talents at Paris, the minister had an object of policy to answer at home. It was found convenient, for the purpose of financial arrangements, to hold out the hopes of peace, till such time as it was found that the appearance of negotiation might be renounced without any unfavourable effect, as to the supplies of the year.

But, in order more completely to ascertain the sincerity which has been shown by ministers in the desire which they have expressed for peace, and the fairness of the means which they have employed for the attainment of that object, it may be necessary to enter a little more minutely into the history of the negotiation, and to follow the right hon. gentleman through the long detail which he has brought forward on the subject, and which was sufficiently laboured to prove that he was aware of all the difficulties with which he had to contend in vindicating the character of the British government, and of the necessity of putting the most favourable gloss upon their conduct. The first step taken for the purpose of negotiation was, the communication at Basle, in which Mr. Wickham had been engaged as the agent of the British government. As he was not authorized to take any definitive step, or to make any declaration binding on the government, but little stress could be laid on that circumstance. Those, however, who attended to the details of that transaction, would not be disposed, even in that early stage of the business, to draw any inference very favourable to the sincerity of ministers. The mission of lord Malmesbury is unquestionably what ministers wish to be considered as the grand effort for peace, and as affording an unequivocal proof of the sincerity of their wishes for its attainment. Of the details of that negotiation we are enabled to judge from the papers which have been laid upon the table of this House. Until the publication of his majesty's manifesto on the subject, I was only acquainted with the circumstances of that transaction from the statement of the public prints. I was not a little surprised when the manifesto reached me in the country, and from the perusal of its contents, was induced to suspect that I must have been completely misled in my previous information. On the inspection, however, of the papers laid on your table, I was still more surprised when I found that the public prints were much more accurate in their representation of facts than his majesty's declaration. Never, indeed,

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was there any paper brought forward with the stamp of official authority so little connected with the documents upon which it is professed to be founded; so little warranted in the conclusions drawn from its premises. It entirely conceals the most important facts of the negotiation, and states the others so loosely as not to exhibit them in any precise and distinct shape. The right hon. gentleman has stated, that a degree of disrespect was in the first instance shown to a foreign court by the French Directory, in their refusal to grant a passport for a British ambassador, upon the application of the minister from the court of Denmark. But how does this fact stand? The court of Denmark did not at all interfere in the business. The Danish minister in the letter in which he applied for a passport, expressly stated, that he acted merely in a private capacity, and not in consequence of any instruction which he had received from his court. So much, then, for the alleged disrespect shown by the French to a foreign court, and the inferenee which is thence drawn of a disposition thus manifested to throw contempt on all established usages, and to dispense with the ordinary forms of accommodation, and the understood civilities of political intercourse.

I understand, that as an apology for bringing forward the manifesto previous to the publication of the papers, much has been said of the mechanical labour of preparing those papers for the inspection of the House. I have formerly been in office, and I believe that those who are now engaged in the service of the department are fully as capable and diligent as the persons by whom I was then assisted. And I confidently declare that I see nothing in the mechanical labour of those papers that, if they had arrived on Saturday morning, ought to have prevented them from being in a state of readiness to be produced on Saturday evening. But I rather suspect, that with regard to the publication of the manifesto, it was thought expedient to attempt to give a bias to the sentiments of the House, before it was deemed advisable to submit the facts contained in the papers to their cool and sober investigation. As to the delay which has been imputed on the score of mechanical labour, I am rather disposed to believe that it was purposely interposed, in order to afford to ministers an opportunity of revising the papers, and of deciding what part of their contents it might be prudent to suppress, and what might be safely submitted to the public eye. It is curious to attend to the nature of the powers with which lord Malmesbury was furnished, and to their connection with the object of his mission. He was sent in order to negociate for peace, and furnished with full powers to conclude; but though he was thus authorized to conclude, he was allowed no latitude to treat. He had no instructions with respect to the terms he should propose, and no discretion upon which to act with respect to the propositions he might receive. When he was asked, if he came to treat for the king of Great Britain separately? he said, No; but that he came jointly to treat for the king of Great Britain and his allies. When he was asked, if he was furnished with any powers from those allies? he again replied, No. When he was asked, what terms he had to propose? he said he would send for instructions. Thus it appeared, that he was empowered to conclude for the king of Great Britain, but not qualified to treat; and that for the allies for whom he came to treat, he had no power to conclude. Could there possibly be a more ridiculous farce—a more palpable mockery of the forms of negotiation?

We next come to the basis; and this, indeed, carries us but a little way in the progress of negotiation. In this instance, the basis was laid so wide, as to comprehend no distinct object, and to be reducible to no precise meaning. It was that sort of general principle which no one could possibly dispute, but which could at the same time be attended with no practical benefit. The French accordingly stated, that they had agreed to your principle, and that they only disputed its application. The right hon. gentleman has asserted that a basis is always desirable; but then, it ought to be a basis which meant something, and not, as in the present instance, which meant nothing. The principle of mutual compensations is substantially recognized in every negotiation, and did not require to be specified. The general objects of dispute in fixing a basis of negotiation have been, whether it should be regulated by the *status quo ante bellum*, or the *uti possidetis*? The right hon. gentleman stated, as a proof of reluctance to negociate on the part of the French, that they

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for some time hesitated to admit our proposed basis; but, in fact, they virtually recognized the principle when they entered into the discussion of terms. He who asks, what you will give, or states what he is willing to receive, at once admits the basis of mutual compensation. But as a proof of the consistency of ministers, a fortnight afterwards, when the French formally recognized the principle, and asked lord Malmesbury, what terms he was prepared to propose; he was unprovided with any answer, and obliged to send to this country for instructions. What inference is to be drawn from this conduct on the part of ministers? Is it not most probable, that by thus bringing forward a futile, illusory, and unmeaning basis, they expected to disgust the French in the first instance, and at once to get rid of the negotiation? And if the French, who must have felt themselves mocked by this treatment, and who must have been more and more assured of the insincerity of our ministers, had thought proper to stop all farther proceedings, would they not have been fully justified? On what principle were they bound to countenance a transaction which was conducted with no good faith, and could promise no satisfactory issue? Undoubtedly ministers expected that the French would resent the insult, and break off the negotiation in its outset. They thus hoped to obtain an easy credit for their pacific intentions, and to throw upon the enemy the odium of determined hostility, and an unreasonable rejection of the preliminary basis of negotiation. Unfortunately, however, for this project, the basis was recognized. The disappointment of ministers was evident. Lord Malmesbury was unprepared how to act, and obliged to send home for farther instructions. The question with ministers then became, "Since the French have so ungraciously and unexpectedly accepted the basis which we intended to be rejected, what can we find that they must be indispensably called upon to refuse? What terms of insult and humiliation can we find that may rouse their pride, and inevitably provoke rejection?" Lord Malmesbury, who before had no terms to propose, was now instructed to bring forward terms for the purpose of being rejected; and care was taken that they should be of such a nature as could not undergo much discussion, or readily to fail of their purpose.

I come now, Sir, to consider what was said by the right hon. gentleman with respect to the particular terms. In commencing this part of his speech, he thought some apology necessary for the sort of terms which had been proposed by lord Malmesbury on the part of this country. He stated that it was always usual to be somewhat high in our demands in the first instance; that propositions at the commencement of a negotiation were never considered as decisive, and that, in the progress of treating, we might relax from our original demands as circumstances should render expedient. But, was the right hon. gentleman so unfit for the situation which he held, so ill qualified to judge of the conduct which was proper for those times, as seriously to maintain this argument? Did he not recollect, that, from what he had himself stated, negotiation itself might be considered as made upon a hostile principle? He had described it as a negotiation, the unsuccessful result of which must tend to divide France, and to unite Great Britain, which must give indubitable confirmation to the justice of our cause, and add double energy to our future efforts. In this situation, and with this particular view, what wise man would have looked to the last precedent of negotiation in order to regulate his conduct, and have conceived it necessary to proceed with all the tediousness of forms and dexterity of diplomatic artifice which might have been employed in any former instance? Instead of carrying your pretensions higher than you might be disposed to accept, you should have gone to the other extreme; you should have stated them at the lowest point of what you deemed to be fair and equitable, and, if any thing, have been rather below the mark of what you might fairly claim, than exorbitant and unreasonable in your demands. You would thus have secured the end which the minister professed to have in view—to render apparent to all Europe the equity and moderation of your own sentiments, and the injustice and ambition of the enemy. Had the French, from a suspicion of your sincerity, been inclined to break off the negotiation in the first stage, they might have said, "As no basis has been agreed upon, we see that the negotiation can come to no good, and therefore we will stop all farther proceedings." But when they acceded to your basis, and invited you

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to propose particular terms it became you to be doubly careful, by the fairness and moderation with which you acted, to demonstrate the equity of your character, and vindicate your sincerity in the eyes of Europe.

I shall now advert, Sir, to the two confidential memorials. I confess that I never was more struck with the impossibility, even for talents the most splendid, and eloquence the most powerful, to cover the weakness of a cause, and supply the deficiency of real argument, than in the instance of what the right hon. gentleman said with respect to Holland. Even if Holland should be restored to its former situation, if the stadtholder should be reinstated in the government, and the alliance renewed with this country, the right hon. gentleman does not go the length of saying, that even then he would restore to Holland all her former possessions. No, he might then, perhaps, only be disposed to relax in their favour a considerable part of the conditions on which the present state of things obliges him to insist. A right hon. gentleman (Mr. Dundas) some time since made a very imprudent declaration in this House—that as we had taken the Cape of Good Hope and Ceylon, we meant to keep them for ever. We feel ourselves, it seems, too nearly interested in those acquisitions to be disposed to relinquish them. This is reasoning very much *à la Française*. We say that it is better even for the Dutch themselves, that Ceylon and the Cape of Good Hope should be in our hands than in theirs. The French may, with equal justice, allege the same pretence for their refusal to part with Belgium. They may say that it is more for the interest of Belgium that it should remain in their hands, than that it should be restored to Austria. But if Holland be not, in every respect, reinstated in her former situation, then, says the right hon. gentleman, we have nothing to propose. It is curious to remark, in the very moment that he is at such pains to represent the demands of the French as in the highest degree exorbitant and unjust, how much he countenances those demands by the style of his own pretensions. He says, "We have taken a great deal from Holland, they have taken nothing from us, therefore we are not bound in justice and equity to make them any restitution; but, if Maestricht, or some place be ceded to the Emperor for the security of the Austrian Netherlands, we may perhaps be induced to make them some restitution, but on no account can we consent that Ceylon or the Cape of Good Hope shall be restored." On the same grounds might the French say, "We have taken a great deal from the Emperor, he has taken nothing from us, we therefore are not bound in justice and equity to make him any restitution: we demand that the *uti possidetis* shall be the basis of the negotiation." What are the specific proposals which you make to the French? You propose to them to give up all their conquests to the Emperor and to evacuate Italy. The right hon. gentleman has said, that it is a strained geographical supposition, that by this demand with respect to Italy, it should be understood that they are also required to evacuate Savoy and Nice. I know not upon what geographical authority he proceeds, when he affirms that this would be a strained supposition. I always thought that these places had been in no other country but Italy; perhaps I may have been mistaken. You propose to the French to evacuate Italy, to give up the Milanese, Belgium and Luxemburgh; you demand of them to negociate the arrangement of peace with Germany, with his imperial majesty as constitutional head of the empire. And though the French are already at peace with the most considerable Germanic powers, with the king of Prussia, with the electors of Saxony, Hanover, &c. you thus would place them in a situation in which *they* would have to begin all these treaties anew. You hint, indeed, that in consequence of this arrangement, which supposes on their part so great a sacrifice, it is not impossible that some cession may be made to them on the Germanic side of their frontiers. And in return for all the sacrifices you require from the French, you offer to restore to them Martinique, St. Lucia, Tobago; reserving, however, one of them as an equivalent, if they are to retain St. Domingo.

The restoration of Belgium is stated as a *sine quâ non*; it has been represented to be of the utmost importance, that it should not be suffered to remain in the hands of the French. I should, indeed, regret to see Belgium attached to the territories of the republic; but if you are really sincere in your wishes for peace, if you consider Belgium as an object of so much value, do not offer brass for gold. Let us put the case, that Belgium was

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still in the hands of the Emperor, how would you treat the offer of two or three West India islands, on the part of the French, in order that it might be given up to them? If you really wished France to give up Belgium, you should have offered to give up the Cape of Good Hope, which a determination has been so indiscreetly expressed to retain. I have no hesitation in saying, that it ought only to be considered as an instrument to procure the restoration of peace on favourable terms, and that if you could get a proper equivalent, you ought not to keep it. What you now offer is trifling indeed, and if France should comply with your demands, what would be her relative situation with respect to the other powers of Europe? She would, in that case, have given up Belgium, Luxemburgh and Italy, and farther it is required, that something should be ceded to the Emperor, in order as is stated, to render him secure on the side of the Austrian Netherlands. The three great powers of Europe will all of them be left with considerable acquisitions. The king of Prussia has gained a third part of Poland. Russia has obtained a considerable extent of territory from that unfortunate country; and, in addition to his share in the division, it is also proposed that the emperor of Germany shall be put in possession of Maestricht, or of some other place. France is only to be left with Savoy, Nice and Avignon. Is the state of the war such as to justify this proposition? Is it fair and equitable that all the other powers should gain more than France? When Great Britain made a proposition so unreasonable, France naturally took a step calculated to give confidence to the people in those countries she had annexed to the republic, by declaring that on no account could she consent to give them up. In the ingenious conference which took place between the British ambassador and the French minister, lord Malmesbury declared that the king of Great Britain would not recede from his demand with respect to the Netherlands. Must not the French, in consequence of this declaration, have been induced to assume an equally resolute tone with respect to their intention of keeping that territory, when, from the nature of the terms proposed, they perceived no likelihood that peace could be had? As to the French minister having asked lord Malmesbury to give in his ultimatum, it evidently meant no more than that he should make a formal declaration of what he had said with respect to Belgium: a demand which surely cannot be considered as unreasonable. After having heard this day so much stated of the value of Belgium, and such importance attached to the demand that it should be restored to the Emperor I cannot but recollect that it is not very long since the people of that country were in a state of rebellion, and that it was surmised at the time, that we were by no means averse to support them in their endeavours to shake off the Austrian yoke. But however great the value of Belgium may be, is it an object of such immense consequence as to justify the continuance of a long, a hazardous and destructive war? Is it worth being contended for at the expense of such blood and treasure? And even if the objects be deemed so valuable as to justify all these sacrifices, there is another question to be considered. If, in addition to that expense and carnage with which the war has already been attended, it be proper to sacrifice a hundred millions more, and a hundred thousand men for its attainment, it ought also to be shown that it is attainable by those means. From the experience of the past, who will pretend to say that a continuance of war and all its calamities will tend ultimately to bring you nearer to your object? It ought, beside, to be recollected that the Emperor who is your friend to-day, may be your enemy to-morrow. I remember that it is not eight months since the Emperor was not so much a favourite with ministers; perhaps, indeed, they were cautious in expressing their partiality, lest it should be suspected that money was then going to the court of Vienna. At that time, the king of Sardinia was extolled as a pattern of fidelity to all princes: the Emperor seemed to make no figure in the comparison. I do not mean to impute to the Sardinian monarch any breach of faith; circumstances of necessity compelled him to conclude a treaty with the French republic, and we have not heard in what situation he is now to be considered with respect to this country. Ministers have already sent large sums to his imperial majesty: we are about to make still farther advances, and it cannot be calculated that the alliance can be maintained at an expense to the country of less than two millions annually. I mean no reflection on the character of the Em-

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peror; but if we should not be able to grant him the same assistance, he may be reduced to the same necessity as the king of Sardinia, and compelled to conclude a peace. When all these circumstances are considered, together with the sacrifices which must necessarily be incurred in the attempt to wrest Belgium from the French, and the uncertainty of obtaining the object, the minister, who on that ground only shall refuse to make peace, has undoubtedly much to answer for on the score both of policy and humanity.

And here, Sir, comes the question of the treaty concluded with the Emperor in 1793, by which we engaged not to lay down our arms without his consent. I greatly lamented the conclusion of any such treaty at the time, and then brought forward a motion, that it was the duty of the House not to approve of any engagements that might tend to create obstacles in the way of peace. If we urge the stipulations of a treaty, as a reason why we cannot conclude peace but on certain terms, we directly sanction the sort of argument which is represented as so unjustifiable on the part of the French. I certainly am no friend to setting up the constitution of France against the *droit publique* of Europe. But are the French in their arrangements to consider the engagements of our treaties, as of greater weight and consequence than we affect to consider theirs? The right hon. gentleman has put the case, that supposing the French constitution decreed that the city of Westminster formed an integral part of the republic, were we bound to respect such a determination? The case may be retorted, that if we by our treaty with the Emperor had stipulated to put him in possession of Paris, with what colour could so ridiculous a stipulation be urged as an obstacle to peace? We had no more right to talk of our treaties, than they of the regulations laid down with respect to their boundaries. If an absurd or impracticable condition is introduced into a treaty, is there not reason to suspect, that it has been foisted in merely for the purpose of throwing difficulties in the way of peace?

The right hon. gentleman has gone at length into the subject of the French constitution. He laid great stress on a remark of M. Delacroix, that it would be impossible to revoke the regulations of the constitution with respect to the boundaries of the republic without convening the primary assemblies. This, which he treated as an exaggeration of the proposition of the French minister, that it was impossible to give up any part of the territory annexed to the republic, I, on the contrary, consider in the light of an explanation, and as doing away all the offensive part of the principle. For instance, if the prince of Hesse Darmstadt had applied to me, as a minister of this country, to conclude with him a subsidiary treaty, if I thought the measure advisable, I would have signified my readiness to acquiesce in his application; but at the same time I would have told him, that I must first consult the House of Commons, and that without their approbation the constitution declared that it was impossible to dispose of any part of the public money. The same conduct I should have pursued towards the Emperor, in making advances to whom, ministers, during the present session, have thought themselves entitled to dispense with the most valuable privilege of the House of Commons. And when, in this instance, I cited the constitution of this country, it could not be considered as a direct negative on the application, but only as throwing a difficulty in the way of the measure. We are not bound to respect the French constitution; but they, undoubtedly, in the course of negotiation, may fairly urge any ground of difficulty which its regulations present to a compliance with our demands.

The right hon. gentleman has imputed to the French, all the odium and blame of breaking off the negotiation. He says, that we are not bound by any thing as a *sine quâ non*, for that, in the nature of a negotiation, is impossible until it is concluded. That, Sir, is easily stated in the course of a debate. But whatever the right hon. gentleman may say upon the subject, the world at large, in judging dispassionately upon it, will regard the memorial of lord Malmesbury as the *sine quâ non* of the court of Great Britain respecting Belgium. You say it may be recovered by force of arms. Good God! what is the probability of that event? What are we to do? What can we do? What security have we that we shall not sink in our prospects upon that event, and that they will not rise in proportion as we sink? Remember the time when Belgium was in possession of the allies, and it was proposed that we should enter

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upon a negotiation for peace then, and at which time the French would have gladly attended to terms of peace of which they will not now hear. What in the prosecution of this unhappy contest, are you to look for the farther you proceed, but terms still worse than those which you might obtain even now, if you gave proof of sincerity in the negotiation? Consider what your disgrace will be if you fail to recover Belgium, which you have told the world is a *sine quâ non*. Are you prepared for all the hazards that may attend it? If you are, say so at once boldly, and act like men; but do not amuse the people of this country by a delusive pretence, as you did by an amendment, which you adopted, to get rid of the motion of an hon. friend of mine, and in which you stated to Europe that you would negociate with France when her government was capable of maintaining the relations of peace and amity with other powers.* I know that these little tricks and artifices have had their ends. They have often, much too often, been employed to cover the dexterity of a debate; and in some situations they may almost appear harmless; but these little quibbling distinctions are not adapted to the important affairs of which we are now to consider. The minister, in ordinary cases, shall be welcome on my part to his little triumph in such little artifices; but these are not times to indulge him in them. He is not made for these times of great difficulty. When the fate of a question, comparatively indifferent, is before us, his talents are well adapted to obtain success, which, for my own part, I do not envy him; but when the fate of empires depend upon our proceedings, we should not give way to his vanity. These are times that require openness and candour, and a determination to look at the posture of affairs in a bold and undaunted manner. Prevarication, subterfuge, and evasion, will not now do. The plain question now is, peace or war? However the right hon. gentleman may contrive to persuade the majority of this House, that his inclinations bend towards peace, I have no doubt, but the papers in the interest of ministers will hold forth to the public, that the vigorous prosecution of the war is the only measure which the country has left for its security. Members of this House, when they go into the country, will perhaps hold a different language, and tell their constituents that they do not hold themselves pledged to a continuance of the war. But it will not be believed. The *sine quâ non* with regard to Belgium, will overbalance the assertions of members of parliament. Parliament has not that credit which it once had—parliament does not deserve to have that credit——

Mr. *Yorke* here called to order. He said, that when a gentleman asserted, in that House, that parliament had not credit with the country, and that it did not deserve credit, all respect for the House was done away: he therefore moved that Mr. Fox's words might be taken down.

Mr. *Fox* explained what he intended to say, when he was interrupted by Mr. Yorke, who still contended that the words were as he had stated them.

The *Speaker* said, that the rule of the House was, that when any gentleman desired the words of another member to be taken down, it was necessary he should put them down in writing, in order that they might appear in the shape of a motion.

Mr. *Yorke* said, that if the House could tamely sit and hear such language used respecting it as had then been used—language which would not have been brooked or suffered by their ancestors—he did not think it was worth his while to put down their proceedings in writing; the words, however, which he understood the right hon. gentleman to say were, "that parliament had not credit with the country, and did not deserve credit."

The *Speaker* stated to the House his opinion on the point. If one member only moved for the words of any other member to be taken down, it could not be done. But if it should be the opinion of the House that the words ought to be taken down, then it became the duty of the member who first desired the words to be taken down, to state them as he understood them in writing, in order that they might be fairly submitted to the House in the form of a motion. The member, who spoke the words, had a right to peruse them when thus put into writing, and to state what he apprehended he had actually said, if they differed from those put down. He had also a right to give his explanation to the House; and if there was a difference in the opinion of members respecting the words spoken and those put down in writing, it then be-

* See Vol. 31, p. 1227.

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came a question for the House to determine. The right hon. member who spoke the words, had given an explanation which was very different from those mentioned by the hon. member who called him to order—that hon. gentleman had interrupted the right hon. member who spoke the words before he had finished the sentence. In regard to the point of order, if it had appeared to him that the right hon. member who spoke the words had been out of order, he should certainly have taken notice of it.

Mr. Serjeant *Adair* was of opinion, that the words mentioned by the hon. gentleman who moved to take them down, were the same, except the want of one word, which appeared to him to be of considerable import. The words were, "that the parliament had not that credit with the country which it once had." The leaving out which word, and the interruption of the right hon. gentleman before he had finished his sentence, in his opinion, caused all the blame which the hon. gentleman who moved to take down the words, had attached to them.

Mr. *Yorke* said, that from what had fallen from the learned serjeant as to the omission of a word which he had not heard, he would not trouble the House any farther, as he saw that different opinions prevailed as to the words spoken.

Mr. *Fox* then proceeded.—I said, Sir, that this House has not that credit with the public, nor does it deserve that credit, which former Houses of Commons had. I say this on the most thorough conviction. I am sensible that in saying so, I do not speak with so much respect of this House as it is my wish to be able to do. I am sorry for it. I must, however, declare what I believe to be the truth. I have now re-stated my words, and the hon. gentleman may take them down if he pleases.

There is, Sir, a generally prevailing idea, that the House cannot get rid of the decision of this day. The question is plainly, peace or war? The proposition of a negotiation was said to be for peace: the present address is evidently for war. It will not be got rid of by any ambiguous shuffling, by way of amendment, as former motions in this House have been. An hon. friend of mine near me (Mr. Grey) some time ago moved a fact. The minister thought proper to decline it, but he did not dare to do it by a direct negative; he therefore got rid of it by a shuffling amendment. In consequence of the cavils of that day, 100 millions have been added to the national debt, and half a million of souls have been swept from the face of the earth. If the House shall be of opinion, that Belgium is really entitled to be regarded as a *sine quâ non*, that it is an object for which this country ought to continue at war, till it has expended another hundred millions, and shed the blood of half a million more of our fellow creatures; if the House is of this opinion, it ought openly to declare it. If, on the contrary, the House should think with me, that this country ought not to expend such immense treasures of money and blood to obtain Belgium, in order to restore it to the Emperor, who may, perhaps, in a short time, be no longer our ally; then let them act like men, and by some fair and unequivocal amendment, convince the country, that they will no longer be parties to such a dreadful waste of blood and treasure.

I now come, Sir, to what is said with regard to the breaking off the negotiation, by making Belgium a *sine quâ non*. If it be true that lord Malmesbury did this, I ask upon what ground it was done? Was the Emperor a party to the negotiation? Here, then, is a *sine quâ non* made in a matter intended solely for the benefit of the Emperor, to which, nevertheless, he is not a party, and which we do not know whether he himself would absolutely insist on or not. Surely this might have been known before the negotiation was entered upon. When we were so often sending such immense sums to the Emperor, millions after millions, surely some person or other employed in those offices might have asked the question. Has any one done so? No. I ask any impartial man, then, if this is not a mere mockery? But, says the right hon. gentleman with great emphasis, why did not the Directory present a *contre projet*? To whom should they present it? Was the Emperor a party? No. They had, then, no one to present it to, for every thing contained in our *projet* was for the Emperor's benefit alone. I agree with the right hon. gentleman as to the principle, that a people, who come into the power of another people by the chance of war, cannot, by the law of nations, be disposed of, lawfully, till the definitive treaty of peace is concluded; but this is very different from a people who are left at liberty to choose a government for themselves,

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and who, after such liberty, voluntarily, adopt the step of uniting themselves with their neighbours, and those who, perhaps, at one time might have claimed over them the right of conquest.

Sir, there is one thing very remarkable, that in all this negotiation, where almost every possession of all the parties is taken notice of, one place should never once have been mentioned. The name of the valuable and important island of Corsica never appears in a single instance. Did ministers say when they took Corsica, You may form a government of your own, and be a free people? Did they offer to leave them to themselves? No; they sent a viceroy. Sir Gilbert Elliot went as a representative of his majesty, cooked them up a constitution, half French half English, and endeavoured to detach them entirely from any predilections they might be impressed with in favour of French principles. The French were, and always had been, represented by ministers, and those they employed, as a hoard of assassins. Suppose the Corsicans had said they chose the king of Great Britain as their king, and had desired, in the strongest terms, to be attached to the British empire as a part of it, and entreated that they might not be given up to this hoard of assassins; would you have said in a negotiation for peace, that Corsica was an object of restoration? I fancy not. May not the French, then, use the same argument with respect to Belgium? On former occasions, when I said that the conquests in the West Indies would be a means of negotiation, the right hon. gentleman started at the idea. He then ridiculed the notion of a *status quo ante bellum*; he particularly alluded to Martinico, which he said was not to be considered like a conquest in former wars; that this island was taken at the particular request of the inhabitants of it, who all desired to be taken into the protection and allegiance, and to become subjects of his Britannic majesty. Martinico was, however, mentioned in this negotiation, and the right hon. gentleman had gone off from his high language.

The right hon. gentleman has mentioned the breaking off the negotiation as "a matter of disappointment, but not of despondency or despair." I certainly am not one of those who despair of the country. I very well know that we are not yet at the end of our resources; but I am certain that we are every day approaching nearer to it. If we had peace at this moment, I have very little doubt but, with economy in every department, a due regard to the finances, and to the encouragement of the commerce and manufactures of the country, we might still retrieve ourselves from our present difficulties; but if the war is to continue any length of time, God only knows what may be the dreadful consequences! Certain, however, it is, that peace cannot be obtained by a perseverance in the present system. It must be changed. I am not one of those who wish to alter the constitution: I wish only to reform it; to restore the voice of the people to that rank in it which it is entitled to hold; to make the opinion of the minister nothing; to see that of the people every thing. I am told, You wish for a removal of the present ministers. I for one certainly do. The country, in my opinion, cannot be saved without it. The people must choose. If there are those who love the constitution under which they were born, and not the defacings of it by ministers, it is time for them to stand forward, to show themselves, and by constitutional means renovate that constitution, which alone can save them and their posterity from inevitable ruin.

It has been said, Sir, that the breaking off the negotiation was all owing to the unreasonableness of the enemy. I do not think so. They have taken advantage of the situation in which their great success has placed them. If they should be able to continue their successes: if they should in consequence rise in their demands; there must be great alteration in the conduct of ministers, or our situation will be deplorable indeed. I cannot here help reflecting on the period of the American war. Able men used then to say, "It is not our fault; we are not to blame; 'tis all owing to the unreasonableness of the enemy that we do not obtain peace." Infatuated and self-abused men! They were afterwards, fatally for the interests of this country, convinced of the folly of such arguments, and obliged to accept of terms far less favourable than they might have obtained, had negotiation been entered upon long before they were. But, good God, Sir! what were the calamities then, compared to those with which we have now to struggle? What the prospect of extricating ourselves then, compared with the present? The contemplation of the difference is shocking. To

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America we had little to give but her independence, and the trouble of conciliating her lost affection; to France, Spain, &c. mutual restitutions. In the present case, we have no prospect but the continuance of the war; and the consequences of that are too dreadful to anticipate, farther than I have already done. There is one other part of the right hon. gentleman's political conduct, which strikes upon my mind at this moment, and which I cannot forbear to mention; I mean his entrance into parliament. This was towards the close of the American war. He began his parliamentary career by opposing it most vehemently, and soon after the majority which had carried on the war was put an end to, the right hon. gentleman complimented the Rockingham administration, and said, "You have destroyed the majority which carried on the American war; but you cannot be sure of having gained your end, if you do not strike at the root of the evil: there must be a radical reform, otherwise ministers may, on future occasions, arise, who will again plunge the country into more bloody and expensive wars than even that we have got rid of." The predictions of the right hon. gentleman have been fatally accomplished. He himself has lived to become that very minister, whose anticipated misconduct he had so feelingly deplored, and no sooner did he become possessed of ministerial influence, than he used it more liberally than his predecessors had ever done, not only to prevent reform, but to stab the constitution in every vein, and to plunge us into armaments and wars far more prodigal both in blood and treasure, than had ever been known before in the annals of our history. I intreat the House to give the subject the most mature examination. If they are not for the continuance of the war, I hope they will withdraw their confidence from that quarter, where it has been so long misplaced, and vote for the amendment which I shall have the honour to submit to the House. Mr. Fox then moved an amendment, by leaving out from the word "result," at the end of the first paragraph, to the end of the question, in order to insert these words,

"Your majesty's faithful Commons have learnt with inexpressible concern, that the negotiation lately commenced for the restoration of peace has been unhappily frustrated:

"In so awful and momentous a crisis, we feel it our duty to speak to your majesty with that freedom and earnestness which becomes men, anxious to preserve the honour of your majesty's crown, and to secure the interests of your people: in doing this we sincerely deplore the necessity we feel, of declaring that, as well from the manner in which the late negotiation has been conducted, as from the substance of the memorial, which appears to have produced the abrupt termination of it, we have reason to think your majesty's ministers were not sincere in their endeavours to procure the blessings of peace, so necessary for this distressed country:

"The prospect of national tranquillity, so anxiously looked for by all descriptions of your majesty's subjects, is at once removed from our view; on the one hand, your majesty's ministers insist upon the restoration of the Netherlands to the Emperor, as a *sine quâ non*, from which they have pledged your majesty not to recede; while on the other, the Executive Directory of the French republic, with equal pertinacity, claim the preservation of that part of their conquest as a condition from which they cannot depart:

"Under these circumstances, we cannot help lamenting to your majesty the rashness and injustice of your majesty's ministers, whose long continued misconduct has produced this embarrassing situation, by advising your majesty, before the blessings of peace had been unfortunately interrupted, to refuse all negotiation for the adjustment of the then subsisting differences, although the Netherlands, now the main obstacle to the return of tranquillity, were not then considered by the French republic as a part of their territory, but the annexation of them solemnly renounced, and the peace of Europe offered into your majesty's hands upon the basis of that renunciation, and upon the security and independence of Holland, whilst she preserved her neutrality towards France:

"Your majesty's faithful Commons have further deeply to lament, that soon after the commencement of the war, when the republic of Holland had been rescued from invasion, and the Netherlands had been recovered by the Emperor, at a time too when most of the princes of Europe, with resources yet unexhausted, continued firm in their alliance with Great Britain, your majesty's ministers did not avail themselves of this high and commanding

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position, for the negotiation of an honourable peace, and the establishment of the political balance of Europe, but on the contrary, without any example in the principles and practice of this or other nations, refused to set on foot any negotiation whatsoever with the French republic: not upon a real or even alleged refusal on her part to listen to the propositions now rejected by her, nor to any specific proposal of indemnity or political security, but upon the arrogant and insulting pretence, that her government was incapable of maintaining the accustomed relations of peace and amity amongst nations; and upon that unfounded and merely speculative assumption, advised your majesty to continue the war to a period, when the difficulties in the way of peace have been so much increased by the defection of most of the powers engaged in the confederacy, and by the conquests and consequent pretensions of the French republic.

"Your majesty's faithful Commons having thus humbly submitted to your majesty the reflections which your majesty's gracious communication immediately suggest, will proceed with unremitting diligence to investigate the causes which have produced our present calamities, and to offer such advice, as the critical and alarming circumstances of the nation may require."

After the Amendment had been opposed by Mr. Secretary Dundas, and supported by Mr. Grey, the House divided on the question, "That the words proposed to be left out stand part of the question:"

Tellers.

Yeas	The Lord Hawkesbury Mr. Canning - - -	212
Noes	General Tarleton - - Mr. Jekyll - - - -	37

The Address was then agreed to.

List of the Minority.

Baker, J.	Grey, C.
Bampfylde, sir C.	Hare, J.
Barclay, G.	Hussey, W.
Biddulph, R.	Jekyll, J.
Bouverie, hon. E.	Jefferys, N.
Brogden, J.	Nicholls, J.
Burch, J. R.	North, D.
Burdett, F.	Peirse, H.
Byng, G.	Plumer, W.
Combe, H.	Richardson, J.
Courtenay, J.	Russell, lord W.
Erskine, hon. T.	Scudamore, J.
Fox, C. J.	Sheridan, R. B.
Shum, G.	Tierney, G.
Smith, W.	Tufton, hon. H.
Spencer, lord R.	Tufton, hon. J.
Stanley, lord	Whitbread, S.
Tarleton, B.	Walwayn, J.
Taylor, M. A.	Western, C. C.
Thompson, T.	

Debate in the Lords on the King's Message respecting the Rupture of the Negotiation for Peace with France.] Dec. 30. The order of the day being read,

Lord *Grenville* said, he had but a few observations to offer to their lordships upon this important subject. Although it was a matter which, if considered with regard to all its bearings, would lead into a very extensive field of discussion, yet the view of the subject which he deemed it necessary to submit to the consideration of the House, lay within a very narrow compass. He lamented, as much as any man in the country, the sudden and abrupt termination of the negotiation for peace with France. At the same time, he trusted, before he sat down, he should make it clear to every unprejudiced mind, that this misfortune was not to be imputed to his majesty's ministers, but solely to the unjust and exorbitant views of the enemy. It was unnecessary for him to state the repeated endeavours of the French Directory to defeat the negotiation in its outset, and to break off the intercourse after it had been opened, even before the first steps towards negotiation could be taken. The indecent and injurious language that had been employed by the French government, with a view to irritate—the flimsy pretences, the captious and frivolous objections raised for the purpose of obstructing the progress of the discussion—all these were sufficiently notorious from the papers on the table. But above all, the abrupt termination of the negotiation had furnished the most decisive proof, that at no period had any real wish for peace been entertained on the part of the French Directory. His majesty had persevered to the last moment to give to France the most incontestible proofs of a sincere desire for the restoration of the blessings of peace; and, after repeated evasion and delay, the French Directory had at length consented to establish, as the basis of negotiation, a principle that was proposed by his majesty, just and liberal in its own nature, equitable towards France herself, and calculated to provide for the interests of

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his majesty's allies, as well as of all Europe. It had been agreed, that compensation should be made to France by proportionable restitutions for the cessions which she, in her turn, should be called upon to make to his majesty's allies. After the establishment of that principle, his majesty's minister at Paris delivered to the French minister a memorial, containing the proposals of his majesty. Along with that memorial there was an accompanying note, stating, that his majesty's minister would, with the utmost readiness, enter with M. Delacroix into every explanation which the state and progress of the negotiation would allow; that he would not fail to enter into the discussion of these propositions; or, if they should be rejected *in toto*, he was willing to enter into any counter-project which the Executive Directory itself might be pleased to bring forth, with that frankness and conciliation which corresponded with the just and pacific dispositions of his majesty and his ministers. To that communication, his majesty's minister received an answer from the Directory, in form the most offensive, and in substance the most extravagant, that ever was made in the progress of any negotiation. It was peremptorily required of him, that in the very commencement of the business, before any answer had been given by the Directory to his propositions, without presenting any objections to his first proposal, or any other offer or plan of peace, he should, within twenty-four hours, deliver in the ultimatum of his court. Was there a similar instance ever known in the history of the world? Was it ever known before, that an ultimatum had been demanded even before the negotiation itself had actually commenced? Such a demand could not possibly be made for any other purpose than to shut the door against all discussion, against all negotiation, all explanation, and all possibility of an amicable adjustment of the different points in issue. Why did not the French Directory state their objections to the proposals that were made to them? Why did not they tell his majesty's minister on what terms they would have been ready to make peace? Not a word was said in return, and the British minister was ordered to leave the territories of the republic in twice the space of twenty-four hours. Why should we offer an ultimatum to France rather than she to us? If, in addition to that insult, any farther proof were necessary of the disposition of those who offered it, such proof would be abundantly supplied by the contents of the note in which the order was conveyed. The very mode of negotiation on which the French Directory had itself insisted, was there rejected, and no practical means left open for treating with effect. The basis of negotiation so recently recognized by mutual consent, was there disclaimed, and in its room a principle, clearly inadmissible, was re-asserted as the only ground on which France could consent to treat. The French Directory now said, as they had formerly done, that they could not treat on the principle of mutual restitution, because it was contrary to their laws, their constitution, and they had lately added, the faith of treaties. That was a principle which never could be admitted by this country, or any other independent nation. It was, in fact, to admit, that the French republic possessed the only supreme power in Europe, and that all other countries might be parcelled out by them at pleasure into what they were pleased to call republics; but which, in fact, had not the remotest resemblance to that form of government. The admission of such a principle would entirely destroy the law of nations, by which the different powers of Europe, who were independent of each other, had professed to be governed for centuries. Such a principle superseded all interests, destroyed all treaties, and gave to France, and to France alone, the power to make what laws she pleased, which should be considered as the only law of nations, and which she might alter and modify as much and as often as she pleased. According to this principle, his majesty and his allies were bound to restore to France the greatest part of their conquests, while the French republic was to retain all those she had made. The admission of that principle the Directory had stated as a *sine quâ non*, as an indispensable preliminary to all negotiation, a principle, under which the terms of peace must have been regulated, not by the usual considerations of justice, policy, and reciprocal submission on the part of all other powers, but by a claim founded on the internal laws and separate constitution of France, as possessing full authority to supersede the treaties entered into by independent states, to govern

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their interests, to control their engagements, and to dispose of their dominions. He believed the construction which the French Directory had put on their laws, their constitution, and their treaties, was not supported by the fact. He should not insult the understandings of their lordships by entering more fully into this business. Every candid man must see clearly where the fault lay. It was on such grounds as these that the farther effusion of human blood, the continued calamities of war, the interruptions of peaceable and friendly intercourse among mankind, the prolonged distresses of Europe, and the accumulated miseries of France itself, were, by the government of that country, to be justified to the world. His majesty and his ministers had entered into the negotiation with perfect good faith, and had suffered no impediment to prevent their prosecuting it with earnestness and sincerity. They had now only to lament its abrupt termination, and to renew, in the face of Europe, their most solemn declaration, that whenever the French government should be disposed to enter on the work of general pacification, in a spirit of conciliation and equity, nothing should be wanting on the part of this country to contribute to the accomplishment of that great object. His lordship concluded with moving,

"That an humble Address, be presented to his majesty, to return his majesty the thanks of this House for his majesty's most gracious message:

"To assure his majesty, that this House sees with equal concern and indignation that his majesty's earnest endeavours to effect the restoration of peace have been unhappily frustrated, and the negotiation in which his majesty was engaged abruptly broken off, by the peremptory refusal of the French government to treat except upon a basis evidently inadmissible, and by their having in consequence required his majesty's plenipotentiary to quit Paris in forty-eight hours.

"To offer to his majesty our humble acknowledgments for his majesty's condescension in having directed the several Memorials and papers referred to in his majesty's message, to be laid before this House, and to express to his majesty the great satisfaction which we derive from the abundant proofs furnished by these papers, that his majesty's conduct has been guided by a sincere desire to effect the restoration of peace on principles suited to the relative situation of the belligerent powers, and essential to the permanent interests of his kingdoms, and the general security of Europe; and that the pretensions advanced by the enemy have been at once inconsistent with these objects, unsupported even on the grounds on which they were professed to rest, and repugnant both to the system established by treaties, and to the principle and practice which have hitherto regulated the intercourse of independent nations.

"To declare, that in this situation we feel in common with his majesty the consolation of reflecting, that to the unjust and exorbitant views of his majesty's enemies alone the continuance of the calamities of war can be attributed: and that while we join with his majesty in looking forward with anxiety to the moment when they may be disposed to act on different principles his majesty may rely on our unshaken attachment and firm support in the vigorous prosecution of a contest which it does not depend on his majesty to terminate, and which involves in it the security and permanent interest of his majesty's kingdoms and of Europe."

The Earl of *Guilford* said, that the present was a day of disgrace and affliction; of disgrace to the king's ministers, and of affliction to his majesty's dominions. Such a mass of criminal imbecility as the papers on the table exhibited, he never witnessed. Every principle upon which ministers had set out had been retracted, every pretension which they had held out to the country surrendered, every fact with which they had imposed upon the easy confidence of their lordships, falsified. The declaration stated that every step had been taken to promote the desirable object of peace. He would venture to say that there was not a flatterer of government who would lay his hand upon his heart and say, that he believed this to be the fact. It was notorious that opportunities of the most favourable kind had been neglected, and that this very negotiation, conducted as it was, had not a chance of being successful. If the *status ante bellum* had been the principle agreed on, he admitted the French had departed from that principle. But that was by no means the case: the principle that was to form the basis of the negotiation, was that of proportional restitution; and would any man say, that what we offered to restore to France was an equi-

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valent for what we asked of her to restore to our allies? It was notorious, that servants had not been sincere in any part of this business. Their first proposal was such, that they could not reasonably hope it would be agreed to on the part of France. The restoration of the Austrian Netherlands was a *sine quâ non* on the part of his majesty. He admitted their importance, but could never consent that this exhausted country should go on with the war till they should be reconquered from France. He begged the House to consider what must be the expense of another campaign, when they could not now borrow money at 12 per cent. No conquest would compense for the loss of so much treasure. His lordship concluded with moving the same Amendment as that which was this day moved in the House of Commons by Mr. Fox, and which see at p. 1491.

The Earl of *Derby* said, he had always been of opinion that we were under no necessity of engaging in the war. Was the noble secretary of state at all acquainted with the situation of the labouring poor, and the present state of trade throughout the kingdom? In many of our manufacturing towns the people had only half the wages they formerly received. He had been informed, that there were in Birmingham 4,000 uninhabited houses, and that one-fourth of the remainder were unable to pay the assessed taxes. He desired their lordships to attend to the nature of the loan by which the supplies of the present year were to be raised. When that subject was fairly considered they would have no pressing temptation to go on with the war. He thought there were symptoms of insincerity in the conduct of ministers; and therefore he would second the amendment. He thought that Pondicherry, in the East, and St. Martinico, St. Lucia, and Tobago, in the West Indies, could not be considered as an equivalent for the Milanese, and the Austrian Netherlands, which the French were required to give to our allies.

The Earl of *Liverpool* thought, that what we had offered to France was an equivalent for what we asked of them to give up. Their West India islands had been supposed to be the foundation of all their greatness. The revenue they received from that quarter amounted to ten millions annually. There never was an instance of any negotiation being terminated in so abrupt a manner as that under consideration. Why did not the French Directory, when they were dissatisfied with our proposals, bring forward some *counter-projet* of their own? It was clear, from the whole of the correspondence, that the Directory, so far from being desirous of peace, were determined that the negotiation should never arive at that stage where it was possible for the terms of peace to come under discussion.

Lord *Auckland* said, it was impossible to submit in silence to the language of the noble earl who moved the amendment, and who had thought proper to say that "this was a day of disgrace and affliction; of disgrace to the king's ministers, and of affliction to his majesty's dominions." Lord A. declared his entire dissent to both these propositions, and feeling himself now at liberty to consider the negotiation as at an end, he would speak of it without reserve. He had restrained himself at the opening of the session, and had marked no opinion, though in his private mind he then participated some of the sentiments of a noble earl (Fitzwilliam), who had avowed a strong dislike to the negotiation. He had been silent, because he was unwilling even to seem to throw a prejudice on the measure. He thought it, under all the circumstances of the time, an experiment necessary to be made, for the purpose of demonstrating to these kingdoms and to all the world, that the prolongation of the calamities of war ought to be ascribed to those from whose madness and wickedness the war had originated. Under that impression, repugnant and painful as it was to him to send a plenipotentiary to Paris to court the fraternal embraces of the Directory, and to say in the words of Anthony to the assassins of Cæsar,

"Let each man render me his bloody hand:"

he had acquiesced in the negotiation; believing, however, on the one hand, that it would not tend to accelerate the return of peace; but confident, on the other, that by the wisdom of his majesty's government, it would not be detrimental either to the interests or to the honour of the British empire. He knew enough of the constitution of the pretended republic of France to know that it is incompatible with a state of peace. That constitution has no resemblance of a republic, but was in truth the most odious aristocracy that ever had been recorded in the annals of mankind. Its leaders had no security in

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their possession of unparalleled power, no safety in their consciousness of unparalleled crimes, but in the violent predicament of war. Whatever might be his abhorrence of their enormities, he was ready to acknowledge that they possess great talents; talents more than sufficient to appretiate their own situation, and to keep them awake to the dangers which hang over it. The experiment had been tried; and the result had been such as to satisfy every unprejudiced man in Europe, that the French government is decidedly for war. The experiment had been fairly and fully tried; and the result is, that the British empire owes great obligations, both to the noble lord who gave the instructions, and to the noble lord who executed those instructions. They had gone to the utmost verge of concession, and yet they had never lost sight of the essential interests and honourable character of their country. In every step, they had blended extreme conciliation with unshaken dignity. The whole negotiation had been conducted with such wisdom, that we are in no degree engaged to revolt to any of its propositions; we are bound to nothing; the entire transaction is null and void; like to the address now proposed to their lordships by the noble secretary of state, it pledges neither parliament nor the nation to any specific offers or concessions in any circumstances that may hereafter arise.—In some views of collateral policy it might be regretted that we had been obliged to publish possible arrangements involving the interests, and eventually affecting the attachment of some of our present dependencies: but on the whole he was willing to allow that the measure had been beneficial, in as far as it had satisfied the minds of many well-meaning men, whose benevolence led them to leave nothing untried that might by possibility put an end to the calamities of war.

He would not enter into any remarks on the propositions made by our plenipotentiary. He would only observe, that specific overtures had been made on our part, and that those overtures had been accompanied by an offer, repeatedly urged, to enter into the consideration of any other propositions that the enemy might think more eligible. Such had been our overtures! Such had been our entreaties to obtain an unequivocal negotiation for peace! The whole had been put aside with scorn, and our plenipotentiary had been ordered to quit Paris in forty-eight hours. Their lordships would here remark, that this insult had been accompanied by the avowal of a principle which purports to annex inseparably to France the conquered territories of our ally, though we had offered a full and generous compensation for them; and the same principle implies that we are to restore, without compensation, any French territories which we may have conquered, because it is pretended that those possessions make a part of the indivisible republic, by her constitution or by her laws. To this strange doctrine had now been superadded the declaration, that the Directory would listen to no proposition contrary to the constitution, laws, or treaties, leaving the world to conjecture or to discover what the purport and extent of those treaties might be. Such positions could never merit a serious refutation. They did not surprise him, because he always thought that our overtures would be rejected. If we had even offered to give up the Austrian Netherlands, some other extravagant and insulting claim would have been brought forward, to frustrate the negotiation and to prolong the war. He was not surprised at the failure of the negotiation, he had expected it. He was only puzzled to explain why the Directory had thought it expedient to precipitate the conclusion, and to tear off so abruptly the thin veil of moderation, which the distresses and wishes of the French provinces had forced them to assume.—To what, then, are we now to look? The answer was obvious. He felt the horrors of war, as powerfully as any one; but he felt also, that it was unmanly and useless to complain, when there is no remedy within the grasp or reach of our faculties. Were their lordships prepared to submit these kingdoms to the mandates of the French Directory, to the regicide rod of iron, to a visitation of anarchy and of all its train of rapine, massacres, confusion, and calamity? Were their lordships reduced to the dastardly and wretched hope, that we may maintain a precarious and insulated existence, by abandoning the Austrian Netherlands, by betraying the treaties which so justly attach us to the Emperor, to Portugal, and to Russia, by renouncing all continental interests and connexions, and by exposing these islands to a long chain of pretended republics, but of mad democracies, stretching from the borders of Denmark to the foot of Italy?—To what, then, are we to look? To the necessity

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forced upon us: to the continuance of the war, manfully and with redoubled energy; till our implacable enemy shall be brought to the position which alone can give to us an honourable and solid peace. And what is that position? He believed, with regard to the enemy, that it must be neither more nor less than a decided incapacity to maintain and prolong the war, and he was disposed to believe that such an incapacity was not far distant. He was aware that some persons might impatiently exclaim, that the downfall of the French finances had too long been predicted: that it had been looked for in vain week after week, month after month, and year after year. To such persons he would reply, that if the respective predicaments of the two countries were the reverse of what they happily are; if the navigation, commerce, and revenues of France were prosperous, and those of Great Britain involved in universal bankruptcy, still we should have no alternative as to our line of conduct: the enemy has left us no choice between war and utter perdition. It was surely gratifying in such an extremity to contemplate the unexhausted vigour of our own resources, and the extreme distress of our antagonist.

Earl *Fitzwilliam* insisted that the enemy had given no encouragemet for opening the late negotiation. They had never retracted the inadmissible principle advanced in the note to Mr. Wickham, nor the offensive decree of November 1792, encouraging the people of other countries to rise up against their established governments. No circumstance had occurred to convince him that their former dangerous principles, did not now exist in all their force. He insisted that there could be no safety in fraternizing with such people, and illustrated his argument by referring to the conduct of France towards Genoa, Tuscany, &c. He said he should, after the present motion was disposed of, move another amendment, in which he should endeavour to rally the House back to its former principles.

Lord *Hay* said, that the conduct of the enemy, in the course of this negotiation, had been insolent in the extreme, and such as ought to be resisted. Nothing therefore remained but for this country to exert its vigour; and he trusted there would be found in it, sufficient zeal to prosecute the war, rather than submit to dishonourable conditions of peace.

The Duke of *Bedford* insisted that ministers had substituted assertions instead of arguments. Upon a review of the papers he was decidedly of opinion, that ministers were not sincere in the proposed negotiation for peace. Before the renewal of the negotiation, they ought to have satisfied themselves that the French Directory had departed from the principle they avowed, when they refused to treat with Mr. Wickham. In his opinion, ministers had acted on a principle of augmenting the power of great states, at the expense of the weaker. Such, was their idea of remunerative justice! By consenting to such a principle, Europe would sink into a miserable labyrinth of despotic arrogance.

Earl *Spencer* said, that the question was simply this, whether any country wishing to maintain its independence could go on with a negotiation on the plan adopted by the French Directory? He denied the charge of insincerity on the part of ministers. They had persevered in their attempts to restore peace, notwithstanding all the obstacles which the enemy threw in the way. The objects for which the war had been carried on, were, to secure the important interests of this country, to restore tranquillity to Europe, and to provide for the maintenance of that tranquillity; and though the Directory had put a violent end to that negotiation, the views of his majesty's ministers still continued the same. He could not, he said, admit that lord Malmesbury in his conversation with M. Delacroix, had proposed any ultimatum. The last note of the Directory was actually the beginning of the negotiation on their part; and what was their proposal? "You shall accept the basis of our new-formed constitution, which ingrafts a conquered country into an integral part of our territories." Were the laws and constitution of France to be paramount to the laws of Europe? The principle advanced by France would go to subvert all the established laws of nations. Thus, whilst the Directory were requiring an ultimatum from us, they were, in fact, giving one themselves. The question now for consideration was, whether this country, by relinquishing the farther prosecution of the war, would give up every thing valuable to its interests; every principle of good faith towards its allies; and abandon what had hitherto been reckoned the public law of Europe. By adhering to one consistent

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principle, he did not despair of bringing our enemies to a better sense of what they owed to themselves, and to Europe.

The *Lord Chancellor* rose to call their lordships attention to the form and purport of the amendment. He verily believed a similar instance could not be produced, of an amendment brought forward at the important crisis of a negotiation for peace abruptly put an end to (no matter how) and that circumstance communicated to parliament from the throne, the apparent object of which amendment was to declare that the House was determined to withhold their support to his majesty in the continuance of the war. Could any gloomy imagination suppose such an amendment could be adopted? What would be the effect of it in this country, and throughout Europe? He insisted that the amendment in detail was no other than an exaggeration of the power of the enemy, encouraging to them, and depressing to the interests of this country. The inference to be drawn from it was, that this country must submit to whatever terms the enemy chose to impose; it tended to humble the nation before the Executive Directory, and to invite them to put their feet upon our necks. He denied that the memorial presented to the French Directory was of a sophistical nature; for what, he would ask, could contain a more ingenious declaration of what England was disposed to surrender, and what to demand in behalf of her allies? But, whatever might be the relative value of the compensation proposed, they had never, in fact, been brought under discussion. The proposals of England were numerous and liberal: though France had made no conquests from us, we proposed to surrender back all the conquests made from that power, only on condition of her making suitable returns of the conquests made from the Emperor. The government of France had made no reply to the memorial which had been presented: the question of reciprocal compensations had never been fairly discussed; instead of this, they required an ultimatum within twenty four hours; and, in the act of doing so, they recall the very basis of the negotiation, to which they had previously agreed. Their whole conduct and language discovered a determination to avoid all discussion. Thus had the government of France barred and double barred the door of négotiation against us. Was the House prepared to send up this amendment to the throne in preference to declaring that they would not submit to a proud and arrogant enemy? Would they not rather show that their spirit was equal to the occasion, until such time as the enemy was brought to discover a better feeling? Having been personally appealed to, to say whether bankruptcies were not daily increasing, he must declare to their lordships, that he knew the reverse to be the fact. In the present year, the number was more than one-fifth less than the average of the last twelve years. Up to December this year, the number was less than 800, whereas the average number of the last twelve years was about 1,040. The wealth of the country was also increasing; this he inferred from the surplus of monies brought into the treasury of the court of chancery, amounting to 960,000*l.*, of which he computed about a clear surplus of 800,000*l.* of actual wealth saved during the current year. At no period were the manufactories more flourishing than at present, nor was there any year in which the quantity of English goods exported was greater. Our national wealth and prosperity were immense. Subscriptions to the loan of 18 millions had been sent up to a large amount from various country towns, even after the loan was filled up. Let this be fairly contrasted with the state of France as given by the Directory themselves. He insisted that at no former period of our history, when negotiations were broken off, did those who opposed the ministry ever think of bringing forward a motion like the thing which he then held in hand.

The Earl of *Abingdon* said, he had supported ministers as long as he could, with due regard to what he owed to his country; but in the last negotiation, he did not believe they had been sincere; and had the French Directory been willing to trust them, they would, in his opinion, have concluded merely a hollow truce, a peace rotten at the foundation. He thought the conduct of the French Directory open and manly, while that of our ministers was very much the contrary.

The question being put, whether the said words shall be there inserted, the House divided: Contents, 7; Proxies, 1—8. Not Contents, 63; Proxies, 23—86.

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Earl *Fitzwilliam* then rose to move his promised amendment. After a brief review of the transactions of the war, the noble earl moved to insert after the word "Message" at the end of the first paragraph of the address, the following words:

"That, not doubting a secure, permanent, and honourable peace, to have been ever his majesty's object and anxious desire in this as in every other war, we are however, convinced, by the beginning, progress, and events of the late negotiation, that no future attempt of a similar kind on our part can be wise, decorous, and safe, until the common enemy shall have abandoned his hostile disposition to all other states by ceasing to place his own internal regulations above the public law of Europe, to insist that all others shall, in all cases, sacrifice the faith of their alliances, and the protection of their ancient and dearest interests, to the maintenance of his treaties, and the gratification of his ambition: and for ever to appeal to the people against their own lawful government:—That our present experience only induces us more steadily to renew our former adherence to his majesty's royal declaration of his great and beneficent views, in October 1793, which he was graciously pleased to communicate to us at the opening of the following session in January 1794:—That we shall never consider the possessors of the power in France (under whatever name or external form of government that power may be exercised) as capable of maintaining the ordinary relations of peace and amity, until they shall have disclaimed in conduct, no less than in words, that system, which, having emanated from the original principle of the French revolution, still continues to operate in a more dangerous, because in a more specious form, and which in its address to his majesty, in January 1794, this House described as a system disposing arbitrarily of the lives and property of a numerous people, violating every restraint of justice, humanity, and religion, equally incompatible with the happiness of that country, and with the tranquillity of all other nations. "That we now, as then, entreat his majesty to be persuaded that in all our deliberations we shall bear in mind the true grounds and origin of the war, that we shall ever remember with just indignation, the attack made on his majesty and his allies, grounded on principles which tend to destroy all property to subvert the laws and religion of every civilised nation, and to introduce universally a wild and destructive system of rapine, anarchy, and impiety, and that we shall ever, on our parts, persevere with union and vigour in our exertions, still more than ever sensible, that, by discontinuing or relaxing our efforts, we could hardly procure even a short interval of delusive repose, and could certainly never obtain either security or peace."

The amendment was shortly opposed by earl Spencer and lord Grenville; after which, the question being put, "Whether the said words shall be there inserted," it was resolved in the negative. The motion for an address was then agreed to.

Debate in the Commons on the Quakers' Relief Bill.] Feb. 24, 1797. The order of the day being read for going into a committee on this bill, and the question being put, "That the Speaker do now leave the chair,"

Sir *W. Scott* stated his objections to the farther progress of the bill. He was no enemy to toleration, but by toleration he meant that kind of toleration which, as it affected religious opinions, was not inconsistent with the civil rights of property. It was not enough that religious opinions should be sincere, in order to give them a claim to protection; for if they injured the civil rights of others, they could have no such pretensions. If civil inconveniences arose from certain religious opinions, they ought to fall upon the holders of those opinions. The opinions held by the Quakers were of such a nature as to affect the civil rights of property, and therefore he considered them as unworthy of legislative indulgence. It was erroneous to suppose that tithes were a species of property merely ecclesiastical. A lage proportion of tithe property was in lay hands under the title of lay appropriations. But the Quakers refused to pay tithes to the appropriator, as well as to the clergyman, though the property had been in his possession for more than 300 years, a period much longer than the persuasion upon which they acted had been in existence. How, then, did the case stand of this tithe property, which was more ancient and more strictly guarded by the legislature than any other? This was the very property

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of which the opinion of the Quaker led him to rob the possessor. No matter whether religion was or was not the foundation of his opinion, no religion could sanction civil injustice. Did it not sound odd, that a man should take a farm and get an allowance from the landlord for what he was to pay in tithes, and, by way of putting this allowance in his pocket, plead that his conscience would not permit him to employ it for the purposes for which it was intended? Could such a conduct be reconciled with any standard of justice, or was any act entertaining such principles worthy of being patronized by the legislature? He submitted it, therefore, to the wisdom of the House, whether, on account of such absurd fancies, if they were not something worse, they would venture to change the regulations of civil property? The preamble of the bill pretended that it was brought in for the relief of the Quakers from imprisonment. Here the learned gentleman desired that the 7th and 8th of William 3rd might be read. Which being done, he observed, that so far from its being the intention of this statute to relieve the Quakers from the persecution of other men, as had been insinuated, it was meant to relieve other men from the persecution of the Quakers; for if any man withheld from him what was his due, that man was his persecutor; and though he did it from religious motives, still his conduct was persecution. He asked, whether it was proper to sanction a violation of the rights of property upon the ground of private opinion, on whatever foundation that opinion might rest? He cautioned the House of stamping such a procedure with their authority at a time when it was so fashionable to hold out wild and dangerous opinions respecting property. Who knew but the next step might be a refusal to pay rent? There were some texts of scripture which might be wrested in favour of this opinion; nay, they might even go so far as to hold it irreligious to pay their debts, because they owed no man any thing but love. He had seen a number of pamphlets, in which all men of property were pelted with texts of scripture, and represented as monopolizers, who ought to share what they possessed with those who had not had such a liberal share of the good things of fortune dealt out to them. Such opinions were justly considered as worthy only of derision; but that they admitted of as good a defence as those upon which the Quakers professed to act. If the Quakers pleaded sincerity in their own behalf, so might the partizans of the levelling system; or if the levellers were accused of interested views in wishing to despoil others of their property, so might the Quakers, who refused to pay that property to which others were entitled. He wished the legislature therefore, seriously to reflect before they sanctioned fancies which might be productive of great evils. He reminded the House also of the ground upon which their indulgence was claimed, not because of other religious opinions held by the Quakers, not because they held it unlawful to wear a button on their hats, or to use the second person plural, but because they deemed it improper to pay tithes. If the principle of the indulgence was once admitted, others might claim the benefit of it, and the sect of anti-tithe christians would soon become the most numerous and flourishing in the kingdom.—The learned gentleman next adverted to the other ground on which Mr. Serjeant Adair had defended the principle of the bill, namely, that it would facilitate the recovery of tithes. And here he could not but remark a striking inconsistency in the defence; for if the Quakers really held it unlawful to pay tithes, how came they to apply for a bill, the object of which was to facilitate the recovery of them? The argument stood thus: the Quakers considered themselves as unjustifiable in paying tithes, except they were compelled; the House was therefore desired to accommodate the mode of compulsion to their wishes. He then put the case either way—that they did pay tithes at present without compulsion, or that they did not. If they did not, their refusal was a persecution of the holder of tithes, and the remedy ought to be a prompt and efficacious one, otherwise the tithe-holder would be an owner, not of property but of suits. The fact, however, he believed to be notoriously otherwise, and that the Quaker at present paid tithes, not from actual compulsion, but under the apprehension of compulsion. Since this was the case, why should the remedy be placed at a greater distance, and thus rendered less prompt and less efficacious? For what was the remedy that was proposed?—To take the penalty off the person of the Quaker, and to put it upon his property by sequestration. To this mode there were strong objections.

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There was no process of sequestration in the eccleciastical courts, in which many of these causes were agitated. At any rate, the process of sequestration was accompanied with so many difficulties, that it would produce a diminution of the security of that species of property. Besides, the very remedy itself implies compulsion and his yielding to this compulsion shows that his scruple was a pretended one, unless they were to suppose that he had a religious scruple to sequestration still stronger than that he entertained against paying tithes. Sir W. Scott next stated his objection to the provisions of the bill respecting the process being carried on before the justices; first, upon the ground of the general obscurity of the subject, and the intricacy of particular questions which frequently occurred; and secondly, from the influence of local and personal prejudices, from which that useful class of men were not altogether exempted. He controverted the statement of the severities exercised against the Quakers from documents collected from the registers of the different courts. He had directed inquiries to be made of the prosecutions which had been carried on against the Quakers for the last twenty years, and he found that in the diocese of Canterbury there had not been one; that in the diocese of Bristol one had been commenced, in consequence of which the tithes were immediately paid; that there had been one in the diocese of Litchfield and Coventry against six Quakers, but that no imprisonment had taken place; and that there had only been one in the diocese of Worcester, where the Quaker was imprisoned, but was liberated from an error in the writ. There had been some, but very few, in the court of exchequer during that period. Hence he inferred, that tithes were paid at present in an easy and inoffensive manner, and that no new regulations were necessary. The necessary effect of the bill would be an increase of suits, and additional difficulties to the proprietor in the exercise of his rights. Things went on smoothly enough already, and any regulations upon the subject were not at present required. He well knew, that his learned friend was actuated by no unworthy or sinister motives. It was known, however, that opinions hostile to tithes were abroad, and it was not impossible that something of this kind might be connected with the present application. The effect of the measure would inevitably tend to weaken the security of property and the House ought maturely to consider that attacks upon it were always begun where it was conceived to be most vulnerable, and in subjects where prejudices against it prevailed. A memorable example of this occurred in another country. In France, first the tithes of the clergy were attacked; the property of the church was then all seized; the manor rights of proprietors were next attacked; titles and succession followed; property was the next object of plunder; till scenes of injustice and disorder ensued, which struck at the repose and tranquillity of Europe. He therefore must oppose the farther progress of the bill.

Mr. Serjeant *Adair* said, that with regard to the principle of his learned friend, that no respect ought to be shown to religious scruples where they went to affect property, he could not agree with him to the extent in which it had been stated. He thought that some respect ought to be shown to religious scruples which might be considered as absurd, though they involved this consequence; and that they might be the object of that good-natured toleration which his learned friend mentioned. His learned friend said, that to such scruples the legislature ought not at all to yield. He admitted that the legislature ought not so far to yield to them as to lessen the security of property; but alterations in the laws which tended to afford ease to the person who entertained the scruple, without injuring the property which it regarded, he would contend, were wise, just, and humane. An expression in the act of king William, on which this measure was founded, had been quoted by his learned friend. The conduct of the parliament, by which that act had been passed, it would appear, was more liberal than their language. The scruples of the Quakers were called "pretended." He believed that those scruples were perfectly real. They led to suffering and to difficulty. The hardships they produced were a pledge of their sincerity. Were they of a kind which the interest of the parties might suggest, they certainly ought not to be encouraged. Such, however, was the liberality of feeling which actuated that parliament, that they yielded to scruples which they called pretended. What, then, should be their conduct when they believed the scruples to be real? His

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learned friend had supposed a great number of pretended scruples. There was one which was designed to raise alarm in the minds of the country gentlemen. It was stated as a possible case, that farmers might, from some pretended scruple, refuse to pay their rent. But for this the law had already provided the very remedy which the bill meant to introduce. By this, those who should take such a scruple into their heads, would be treated just like those who refuse to pay their rent without any scruple. The summary remedy, by distress, the law already afforded. His learned friend said, how was it possible to distinguish between pretended and real scruples? He would answer, by inquiry whether the scruples were favourable or hostile to the interest of the parties. It was stated that the Quaker had an interest in the scruples he professed. He could not conceive, however, what interest could prompt a man to profess scruples which, if maintained, led to imprisonment for life, or to a suit for a few shillings, which would raise the expense to thirty times the original demand. While such was the case, he would leave it to his learned friend to explain the inconsistency, and to reconcile the interest with the scruple. Notwithstanding what had been said, he was still of opinion that the measure would be for the benefit of the tithe-holder. It was in fact balancing property against personal liberty. The tithe-holder would be enabled to recover his claim, instead of merely obtaining the imprisonment of the Quaker for life. His learned friend seemed to infer, that the bill would give the holder a lawsuit instead of his demand. What, however, was the case at present? If the Quaker is either conscientious or obstinate, an expensive and tedious suit is the consequence. By the present bill no suit would be necessary; the demand would be recovered in a mode similar to distress. Was it no benefit to the holder, that a great deal of time and expense was saved in the recovery of his claim? Was it no advantage that he got his property instead of the person? Was it no benefit to the Quaker that he escaped the calamity of imprisonment for life, which might now be his fate? Instead of the bodies of seven obstinate or conscientious men, the tithe-holder would be able, in two days, by a summary and cheap mode of proceeding, to recover his money. Whatever prejudice and alarm might at present exist among the clergy with regard to the effect of this bill, he was convinced it would be overcome by the House; and that after a fair experiment of its operation for a limited time, the clergy themselves would join with the Quakers in their wishes for its renewal. His learned friend asked, if the Quakers petitioned for the relief contained in this bill? To this he answered, they did not: the Quakers had petitioned for relief as to the imprisonment of their persons. In his situation, as a member of parliament, he was to consider what was wise and proper to be done; not what was agreeable to the wishes of the petitioners. The Quakers were not answerable for what the bill contained; he alone was responsible for its contents. It was said, that the remedy should be prompt and efficacious. This was the very object of the bill; for at present, if the Quaker was obstinate, no court could enable the holder to recover his tithes, while under this bill the claim might easily be made good. He was sorry to hear that opinions hostile to tithes were abroad. For his own part, he thought the clergy ought to be well provided for. If any opinions hostile to tithes existed, were they not more likely to be removed by the display of mild, cheap, and expeditious modes of levying, than by cruel, tedious and expensive proceedings? He thought the bill would be beneficial to all parties interested.

The *Solicitor General* maintained, that no grievances of the nature complained of existed, because there did not exist those scruples of conscience from which those grievances were supposed to have their origin. He defied the learned gentleman to adduce such proofs as should satisfy the House, that any oppression had been used against the Quakers. For the last twenty years there had been none imprisoned for conscience sake: for the York case did not fall within that description. If a bill could be framed, such as those would wish who had merely pretended scruples of conscience, and whose real object was to elude the payment of a just and legal due, it would be such a bill as was now presented. In Quakers of respectability, he had never found any of those rigid scruples. If a Quaker subjected himself to perpetual imprisonment, he brought himself into that situation, exactly in the same manner as a litigious man did, who obstinately maintained a

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suit, and overwhelmed himself with costs. That such consequences should be prevented, if possible, he admitted; and he wished a mode could be devised which might extend to all persons in that situation. The principle of the bill seemed to be, that the person should be exonerated and the property only liable; but of all security for the payment of debts, that which gave the power of taking hold of the person was the most efficacious. He objected to the bill, as it tended to shake the principle of all processes for the recovery of debts; but he did not object to that part of it which went to render the affirmation of Quakers admissible in criminal as well as civil cases.

Mr. *Richards* thought the bill unnecessaryand inconvenient, because it went to alter the law of the land. How could any question of property be a subject of religious scruple, which could exist only in matters of faith? The same scruples of conscience forbad Quakers to pay taxes; yet these they were ordered to pay by their elders. That man could not have much conscience or honesty, who withheld from another a debt which he knew was by law his due. He did not think there existed among them such scruples as had been stated.

Mr. *Wilberforce* said, that the gentlemen who opposed the bill praised the statute of king William, which proceeded on the same principle. If they thought so highly of a system of terror, why did they not act in conformity to their own principle? Either they ought to move for the repeal of the provisions of the statute of king William, or they ought to support the present bill for the purpose of adopting them to their full extent. He adverted to the illiberal language that had been held with respect to Quakers, whom he believed to be actuated by scruples the most conscientious: they had fully evinced their integrity by their conduct during the period of a hundred years, and had received proofs of the regard and protection of the legislature at the best period of our history.

Mr. *Fraser* reprobated the bill, as tending to throw odium upon the established church. The Quakers were a body, who evinced the utmost obstinacy and inveteracy in opposition to the laws. They never went to law, but had a mode of deciding their own disputes without any application to courts of justice. They were a body of men whom he considered as in no respect entitled to more privileges than any other class of the community.

Mr. *Burton* said, that in a former parliament he had, from a tenderness which he felt for every conscientious scruple, and from a supposition that those of the Quakers were sincere, supported the bill. He then thought the Quakers oppressed: he had now reason to believe they were not. In the last 22 years, only three suits against Quakers, and, since the time of queen Anne, only seven suits, had gone so far as a hearing, and then generally there was a plea of a *modus*, which would still be brought into the ecclesiastical court, even if the bill should pass. The persons imprisoned at York were there for costs; and even these might have been released upon the insolvent act, if they had not chosen, perhaps for the purposes of this bill, and probably with sufficient recompence from their brethren, to remain there under the character of martyrs. As the bill would enable the Quakers to oppress the tithe-owners, he could not give it his support.

The question being put, that Mr. Speaker do now leave the chair, the House divided:

Tellers.

Yeas	Mr. Serjeant Adair -	33
	Mr. Wigley - - -	
Noes	Sir William Scott -	33
	Mr. Solicitor General-	

And the numbers being equal, Mr. Speaker said, that he would not, by his vote, prevent the House from then resolving itself into a committee, pursuant to their order, for the purpose of again considering the bill in question, and therefore he declared himself with the yeas. So it was resolved in the affirmative, and the House resolved itself into the said committee.

March 6. The order of the day being read for going into a committee on the bill, and the question being put, "That the Speaker do now leave the chair,"

Mr. *Pierrepont* said, he had given the bill his entire attention, and the result was, a conviction that it would be attended with the most pernicious consequences.

Mr. Serjeant *Adair* trusted, that the bill would be suffered to pass through the present stage, before any serious opposition was offered to it.

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The *Solicitor General* said, he would oppose the bill in every stage, because it was calculated to pick the pockets of one set of men, in order to gratify the pretended scruples of another.

The *Attorney General* said, he at first entertained sentiments in favour of the bill, but upon mature investigation, he was inclined to give it his negative.

The House divided:

Tellers.

YEAS	Mr. Serjeant Adair Mr. Hobhouse	12
NOES	Mr. Pierrepont Mr. Fraser	28

Resolved, That the House will, upon this day three months, resolve itself into the said Committee.

The King's Message respecting the unusual Demand of Specie.] Feb. 27. Mr. Pitt presented the following Message from his Majesty:

"GEORGE *R.*

"His Majesty thinks it proper to communicate to the House of Commons, without delay, the measure adopted to obviate the effects which might be occasioned by the unusual demand of specie lately made from different parts of the country on the metropolis.

"The peculiar nature and exigency of the case appeared to require, in the first instance, the measure contained in the order of council, which his majesty has directed to be laid before the House. In recommending this important subject to the immediate and serious attention of the House of Commons, his majesty relies, with the utmost confidence, on the experienced wisdom and firmness of his parliament, for taking such measures as may be best calculated to meet any temporary pressure, and to call forth, in the most effectual manner, the extensive resources of his kingdoms, in support of their public and commercial credit, and in defence of their dearest interests. G. *R.*"

Order of Council respecting the Stoppage of Cash Payments at the Bank.] Mr. Pitt also presented, by his Majesty's Command, the following

MINUTE OF COUNCIL.

"At the Council Chamber, Whitehall, the 26th of February 1797; By the lords of his Majesty's most honourable privy council; Present, Lord Chancellor, lord President, duke of Portland, marquis Cornwallis, earl Spencer, earl of Liverpool, lord Grenville, Mr. Chancellor of the Exchequer.

"Upon the representation of the chancellor of the exchequer; stating, That from the result of the information which he has received, and of the inquiries which it has been his duty to make respecting the effect of the unusual demands for Specie, that have been made upon the metropolis, in consequence of ill-founded, or exaggerated alarms, in different parts of the country; it appears, that unless some measure is immediately taken, there may be reason to apprehend a want of a sufficient supply of cash, to answer the exigencies of the public service: it is the unanimous opinion of the board, That it is indispensably necessary for the public service, that the directors of the Bank of England should forbear issuing any cash in payment, until the sense of parliament can be taken on that subject, and the proper measures adopted thereupon, for maintaining the means of circulation, and supporting the public and commercial credit of the kingdom, at this important conjuncture. And it is ordered, That a copy of this minute be transmitted to the directors of the Bank of England; and they are hereby required on the grounds of the exigency of the case, to conform thereto, until the sense of parliament can be taken as aforesaid.

(Signed) "W. FAWKENER."

Mr. *Pitt* said, it was his intention at present merely to move, that the message be taken into consideration to-morrow. He took that opportunity, however, of giving notice, that in addition to the address which he meant to move, he should propose that a select committee be appointed to inquire into the outstanding engagements of the Bank, and of the means they had of making good those engagements. When he gave notice of such a proposition, rendered necessary by the particular circumstances of the moment, he had no difficulty in declaring it to be his firm opinion, that not the smallest suspicion could justly be entertained of the solidity of the Bank; on the contrary, he believed that its resources never were more abundant. Another proposition which he meant to submit to the deliberation of parliament, was to declare by law, that the engagements of

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the Bank at present outstanding, or which may hereafter be contracted to a certain amount, are secured by the public, and that notes instead of cash will be taken by the public in payment of the sums due to them by the Bank. This was a measure which he had no doubt would tend very much to confirm the solidity of the Bank capital—an object, the national importance of which could not be disputed. He was convinced, that when the circumstances of the times were duly considered, the House would join with him in opinion, that the Bank ought to be restrained from making any payments in cash, except in certain cases. He then moved, That his majesty's message be taken into consideration to-morrow.

Mr. *Fox* said, that he could not, at this eventful crisis, allow a moment to pass without saying a few words. As to what might or might not be advisable to be done, he should now give no opinion. The right hon. gentleman had said, he should move for a committee of inquiry into the circumstances of the bank. To a motion for such an enquiry he should have no objection; it might be useful as far as it went. But he owned he saw the propriety of that House making an inquiry to a much greater extent. They should inquire, not only into the circumstances of the bank, but also into the circumstances which led to the present embarrassment. They should be possessed of all the measures that led to this most extraordinary scheme—a scheme which no man could think of without shuddering. With regard to the propriety of aiding the security of the bank notes, by pledging the faith of government to them there appeared to him nothing objectionable in such a proposition. If the minister meant to make bank notes legal payment from individuals to the public, that was a point liable of course to discussion, but against which he did not see the same objection as if he took the question in another view, for it would be only matter of policy to a limited expense. But if he meant to make bank notes legal payment from the public to the individual, it was a measure which the House could not think of without seeing that it must shake the very foundation of public credit. The minister set forth the difficulties of the bank to answer, by payments in cash, their outstanding engagements. The means of answering these engagements in that way formed the difficulty of the bank. He had no difficulty in assenting to what the minister had stated upon that subject, as far as payment was to be made to government; but when he came to reflect upon an order in council, and on the obedience which he saw the bank disposed to pay to that order, the subject became alarming. The bank say they will pay government in bank notes, and that warrants on dividends shall be paid in like manner. The warrants on dividends were the interest on the national debt. Now parliament having passed an act, binding the bank to pay the warrants on dividends, not in bank notes, but in money, this was a very alarming proposition. It might lead to the most dreadful ill consequences to every individual in this country; nay, it might put an end to its existence as a powerful nation. The House would do nothing useful on the subject, if it did not institute an inquiry into the whole of the circumstances that had led us to this dreadful situation.

Mr. Alderman *Combe* asked, whether bank notes were to be taken only by the receivers of the revenue, or were to become a legal tender in all money transactions.

Mr. *Pitt* said, that, in the first instance, he meant only to propose that they should be taken on the part of the public. After the inquiry into the circumstances of the bank, the legislature would be enabled to judge whether the remedy to the extent at present supposed was sufficient.

Alderman *Combe* asked, whether it was his opinion that this remedy would be resorted to in the end.

Mr. *Pitt* said, he had no opinion upon the subject.

Mr. *Fox* asked, if he disclaimed the opinion.

Mr. *Pitt* replied, that he said nothing about it at all.

The message, and also the order in council, were ordered to be taken into consideration to-morrow.

Debate on Mr. Sheridan's Motion to prevent the Exportation of Specie to the Emperor &c.] Mr. *Sheridan* rose to express his surprise that the consideration of the order in council should be put off for a single day. In the first part of the order he found nothing but an opinion respecting the circumstances of the bank, as

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connected with the present state of public affairs; the conclusion of it contained nothing less than a positive requisition of all the cash in the bank: a requisition which, however strange and unconstitutional, the bank directors thought themselves bound in duty to obey. This order certainly was of such a nature, that the House had a right to expect some explanation upon the subject. The conduct of the minister, however, had suggested to him a motion, upon which he would certainly take the sense of the House. He should endeavour to abstain from expressing those sentiments of indignation which every man must feel that evening. He could not, however, but remark, that the right hon. gentleman was now acting upon the same system of delusion which had characterised all his administration. He entertained no doubts about the solidity of the bank, nor did he object to the public pledging their security for the outstanding engagements of the bank; but he remonstrated against the mode in which the business was brought before the legislature. What right had government to exercise a compulsatory power over the bank of England? The fair way would have been for the bank to have laid a statement of their situation before the House, to have described the causes to which their embarrassments were to be imputed, and to have prayed for that interference in their behalf, which he was sure the legislature, upon proper grounds, would have been ready to grant. Instead of this an order in council had been issued putting the whole cash of the bank in requisition. And upon what pretence? To satisfy the necessary demands of the public service! What right had government to the cash of the bank more than to the cash of any individual in the kingdom? And what were these public exigences on account of which this unprecedented measure was adopted? They must necessarily be such as the public paper securities could not satisfy. With respect to the appointment of a committee to inquire into the affairs of the bank, it was notorious that a leak had sprung in the vessel, and it was pretty evident that it had been occasioned by the exportation of specie to foreign countries. Taking that for granted, he should move, "That it is the opinion of this House, that no farther exportation of specie or gold should take place for the use of the Emperor, or any other foreign power, until the sense of parliament shall have been taken on the subject, upon a full review of the causes of the present exigencies of the public."

Mr. *Nicholls* thought the motion ought to be immediately adopted. He pressed Mr. Pitt for an answer to the question, whether it was his intention that the notes of the Bank of England should be declared a legal tender to the public creditor? If so, he was about to proclaim an act of insolvency; and, considering it in this light, he reprobated his silence as an instance of the most atrocious arrogance.

Mr. *Pitt* said, that the learned gentleman seemed to be as ignorant of the forms of the House as of the common modes of business. He might have known that, though it was sometimes convenient to ask and to communicate information by question and answer, no discussion could regularly take place, except when a motion was before the House. He was always ready to answer any question respecting public business which it was fair and candid to put; but he saw no reason why opinions upon any subject should be extorted from him before it came regularly under discussion. As to the motion, what was it in point of fact? A subject of great national importance was deferred for consideration till the next day. The hon. gentleman, however, had seized upon one particular branch of the subject, and pressed the House to come to an immediate decision upon it. This he had done upon two grounds; first the unconstitutional nature of what he was pleased to term a requisition: and secondly, the mode in which the application was made to the House. If the public safety required that the measure should be instantly taken, it was surely much better that it should be executed in the most summary way; for had application come from the bank after danger was apprehended, the apprehensions might have been realised, while the deliberations upon the remedy were pending; and with respect to the other ground of the motion, it involved the expediency of the Order in Council, which would be discussed the next day. He could only say that ministers had been guided by a concern for the public safety. If they had trespassed upon the laws, they submitted to the candour of the House, conscious that had they not taken the step which has been adopted, they would have been deficient in the first duty

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they owed to the country. Whether they would be justified, indemnified, or punished would be matter of subsequent deliberation.—The hon. gentleman asked what right government had to make a reserve of the cash of the bank? He replied, that with the bank, as a bank, government had no right to interfere, but he did not think it disingenuous or unfair to state that if ministers knew there was a greater run upon the bank, and that more cash was carrying from the metropolis than was consistent with the permanence of those sources from which the public service was to be defrayed, it was their duty to interfere. The hon. gentleman ascribed the present diminution of specie entirely to the sums which had been sent to the Emperor. So far was this from being the fact, that last year not the smallest inconvenience was felt, since but a small proportion of the money sent abroad consisted of specie. Yet this was assumed as a principal ground of the hon. gentleman's motion. He next assumed that the cause of the measure being adopted was the exigency of foreign, not of home service. And as if these were not enough, he assumed that the House ought to come to an immediate decision upon one branch of a subject, the whole of which was to be discussed the next day. In the mean time, what, he asked, would be the consequence of this decision? If there was one subject more weighty than another, it was the subject of this motion which the hon. gentleman wished should be decided collaterally, without examination and without notice. His motion would have the effect of a declaration of the British parliament, that without deliberation they would give no farther aid to the Emperor. He concluded with moving, "That the order of the day be now read."

Mr. *Fox* said, that his hon. friend did not call upon the House to decide whether more assistance was to be granted to the Emperor. That deliberation upon which the hon. minister insisted, it was the object of his hon. friend to procure. The right hon. gentleman insisted, that they had concluded the reserve of cash to be made entirely for foreign services. They had concluded no such thing; they had thrown no impediment in the way of reserve. Perhaps at that very moment, ministers were sending money abroad; and all that was asked was inhibition upon them during this solemn pause, this *interregnum* of the laws. He contradicted the assertion that the exportation had not produced the present scarcity of specie, because it had been frequently severely felt in the course of the war, when no alarm of invasion existed. When accused of sending money to the Emperor without the consent of the House, the minister had come forward and boasted of his conduct. How then could they trust that the system which he had so defended would not be renewed?

Mr. Secretary *Dundas* said, that the object of the present motion could only be to prevent ministers from making any remittances to the Emperor between this and the next day. Surely, then, the necessity of pressing it now could not be very clear. Without the information which the ensuing discussion would afford, the House was called upon to decide that the remittances to the Emperor were the cause of the present difficulties, whereas it would probably appear that it was quite on the other side.

Sir *W. Milner* said, it was the duty of the House to prevent ministers from sending any money out of the kingdom, and to tie up their hands. The situation of the country was truly alarming. By the Bank not paying in cash, every country bank had stopped payment, and broken the contract with those who entrusted them with money.

The question being put, "That the order of the day be now read," the House divided:

Tellers.

Yeas	The Lord Hawkesbury Mr. Rose	247
Noes	Mr. Sheridan Mr. Whitbread	70

A Message from his Majesty, together with a Copy of the Order in Council, was this day presented to the Lords by lord Grenville. A motion to prevent the exportation of specie to the Emperor, moved by the duke of Norfolk, was, after a short conversation, negatived: the Contents being 5; the Non-contents 34.

Debate in the Commons on Appointing a Committee to examine the Outstanding Demands on the Bank.] Feb. 28. The order of the day being read for taking into consideration his Majesty's Message, Mr. Pitt, after a few preparatory observations, moved, "That an humble Address be presented to his majesty, to return his majesty the thanks of this House for his

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most gracious message: to assure his majesty, that the House will proceed, without delay, to the consideration of the important subject which his majesty has recommended to their attention; and that his majesty may rely on our earnest and anxious desire to adopt such measures as the circumstances may appear to require, and as may be best calculated to meet the pressure of any temporary difficulties, and to call forth, at this important conjuncture, the extensive resources of the kingdom, in support of our public and commercial credit, and in defence of our dearest interests." The motion was agreed to *nem. con.*

Mr. *Pitt* then rose to move for a Committee, to examine the amount of Outstanding Demands on the Bank. With respect, he said, to the first step to be considered, the state of the Bank, that has already, in a great measure, been ascertained by the confidence of public opinion. Of this public opinion the most unequivocal proofs have been afforded, even within the short space that has elapsed since the minute of council has been issued. It has been clearly evinced that there is no doubt entertained with respect to the solidity of the Bank to answer all the demands of its creditors. But though there can be no hesitation with respect to the solidity of the Bank, it is incumbent upon the House to satisfy themselves, that the measure which has been adopted had become indispensably necessary. I am confident that the result of the investigation will be such, as not only to leave no doubt that the security of the Bank, is unquestionable, but completely to establish the propriety of adding the public security to the security and property of the Bank. It is proposed that the public security should be given not only for the outstanding claims on the Bank which exist at the present moment, but also for those additional issues of paper which may be deemed advisable. As to the degree of satisfaction proper to be obtained with respect to the grounds of the necessity on which the measure has been adopted, it must appear to every reflecting man that this is a subject of inquiry of so critical and delicate a nature, that it cannot, consistently with public safety, be pushed to too great a minuteness of detail. It cannot be doubtful to any man acquainted with the subject, that it would be highly improper for the committee to enter into a minute inquiry into the precise state of the different descriptions of specie belonging to the Bank, to proceed to a dissection of their accounts, and to state the balance of cash. My object, therefore, is, to move for the appointment of a committee to ascertain the general state of the funds and obligations of the Bank, to examine into the grounds of the necessity of the measure already adopted, and to suggest what farther measures ought to be taken by parliament in pursuance of the minute of council. If it should be proved, that the extent of the late demands upon the Bank, and the rapidity with which they were brought forward, were likely to occasion such a pressure as not to leave a sufficient fund for the public service, a strong argument will then be afforded that the measure, which the necessity of the times required on the part of the executive administration, it is incumbent on the legislature to confirm and enforce. On these grounds I move "That a committee be appointed to examine and state the total amount of outstanding demands on the Bank of England, and likewise of the funds for discharging the same, and to report the result thereof to the House, together with their opinion on the necessity of providing for the confirmation and continuance of measures taken in pursuance of the minute of council on the 26th instant."

Mr. *Fox* said:—Sir, when I consider the wonderful event which has this night been announced to the House for a second time; when I take into review the causes which have led to this extraordinary situation of affairs, and the effects likely to result from it; I confess that after the pause which has been afforded me for deliberation, I do not at all feel more sanguinely or more agreeably than I did on the first mention of the subject. The right hon. gentleman has moved for the appointment of a committee for the purpose of inquiry, to which, if it was vested with powers sufficiently ample, I certainly should not object. But it might have been expected, and I, for one, did expect, that the minister, who had conducted affairs in such a manner as to call for the measure that has now been proposed, would not have been contented to pass so slightly over the nature of the crisis; but would have thought it incumbent on him to have given, at least, some general statement of those circumstances which have led to that situation of unprece-

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dented embarrassment, in which we are now placed. Let us consider a little how he has proceeded, even in the first stage of the business. Every man who read the order of council must have been struck with the reflection that this was the first time a measure had been adopted by the executive government of this country to prevent the bank from answering the demands of its lawful creditors. The effect of the measure I will not describe by saying that it has impaired—for that is but a weak word on such an occasion—I contend that it has destroyed the credit of the bank. There is no gentleman so ignorant of the principles of paper credit, as not to know, that the whole source of the validity of this species of currency is derived from the circumstance of its being convertible into gold and silver. But when we learn, that ministers have not merely recommended to the bank to suspend all payments in specie, but have positively required them to adopt this measure, we must consider ourselves as placed in a very different situation with respect to the future state of our paper credit. If the thing itself was necessary from the circumstances of the times, still I do not approve of the mode in which it has been carried into execution. If the measure was indispensably requisite from the pressing exigency of the country, an act of parliament was surely the only proper mode of effecting the purpose. If the plea of urgency be brought forward, that was a consideration on which the House were competent to decide, and which must have impelled them, as in other cases, to lose no time in carrying a bill through the different stages. This House was that particular branch of the legislature, which it was of the most essential importance to consult on such an occasion. The neglect that has taken place in this instance is of the most mischievous example, and may be attended with the most fatal consequences at a future period. All those who have turned their attention to the paper credit of this country, must view with alarm, that the king or executive government have by the present measure claimed a power to annihilate by one breath all the property of the creditors of the bank. It may be said, that such a power would be equally dangerous in any branch of the legislature. But surely the danger is greater from the quarter in which it has now been exercised. It has been found that wherever a power of this nature has been confided to a senate, or to a large body of men, it has presented fewer instances of abuse, than in those situations where the reverse has been the case. This conclusion is supported by the recorded facts of history, and the uniform testimony of experience. It has been proved that the stability of credit has always been better maintained in republics, than in those governments where it merely depended on an individual, or on a small body of men. Of all modes, then, by which the object could have been effected, the measure that has actually been adopted is the most pernicious in its principle and the most dangerous in its consequences. It will not be easily erased from the memories of men, or from the annals of the country, that whatever may be the vaunted theory of our constitution, whatever the nominal value of our rights, whatever the pretended security of our laws, one word from the king may have the effect to destroy one-half of the property of the country. The order of council merely forbids the issuing of money; the paper, however, subsequently published from the bank, removes all doubts with respect to the nature and extent of the measure, and thanks are due to the directors for the explicitness they have manifested on the occasion. After expressing their intention to comply with the order of council, they proceed to point out the objects which the measure has in view. They declare that they will continue their discounts to the merchants in paper, and that they will also pay in paper the dividend warrants. Gentlemen may ascribe it to affectation, when I declare that I feel nervous in stating the probable effect of this proceeding; and the more so, as I observed that the right hon. gentleman who has certainly more cause than myself to take a fearful interest in the issue of this transaction, seemed to experience a similar feeling to so great a degree, that he was unable to use his splendid abilities to afford to the House any satisfactory explanation of its objects and effects.

What, I ask, is the meaning of this measure? Though it has been declared by repeated laws, that faith is most solemnly to be kept with the public creditors, though you honorably declare that you will impose no tax on the interest they hold in the stocks; you now so strongly feel the exigency of your situa-

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tion, that you are compelled to overlook the covenants of law and the obligations of honour, and to apply for a resource to the great depot of national wealth. But it may be said that the dividends are still to be paid in paper. Is there however any gentleman so ignorant as to conceive that there is any difference between refusing to pay the dividends in specie, and refusing to pay them altogether? Are not the terms of the contract, that they shall be paid in the current coin of the kingdom? With what pretence can you affirm that you do not tax the income of the stock-holder, if you break the terms of the contract, and compel him to take for his interest a compensation of less value than that which has been stipulated by solemn engagement? Does any man believe that he would receive at the present moment in the city a thousand pounds in cash for a thousand pounds in notes? You admit, then, that you are arrived at such a state of desperation, that it becomes necessary to violate all contracts. Suppose the dividends were confided to ministers to pay the expenses of the army or navy, and that they gave to the holders certain paper on government security, would they be placed in the same situation as before with respect to the stability of public credit? So far as regarded the principle, ministers might as well at once confiscate their property for the use of the state. But it has been said, that emergencies will arise, which render it necessary to break through all ordinary restraint. Unquestionably necessity furnishes that strong argument, to which no reason can be opposed; but it ought to be proved, that the emergency was of the most pressing nature, and capable of being clearly demonstrated. The minister who comes down and endeavours to prove to the House, that necessity has compelled him to this fatal and irremediable act of bankruptcy, ought at least to be prepared to show that the necessity was occasioned by no fault of his own. Nothing of this sort has been attempted; we have only the assertion of the right hon. gentleman of the strong conviction he felt of the necessity of the measure; and it is incumbent on the House to determine whether they ought to be satisfied on the authority of his bare assertion that the danger has been fully proved, and that it could by no precaution have possibly been prevented. If we are to be satisfied on such authority, if we are to conceive an assertion a sufficient ground of confidence, what account shall we be able to give to our constituents of this new disaster that has befallen the country? Amidst the calamities and disgraces of former periods, we had still one ground of consolation in the sanctity of national credit. Every minister might say to parliament, and every member to his constituents, even at the most afflicting eras, "the public faith has been preserved." The inviolability of the principle sanctioned its future observance. But now we are even deprived of this last source of public consolation, this last prop of national honour.

With the feelings naturally impressed upon me by these reflections, I yesterday came down to the House. I must own that I did not then like some words that fell from the right hon. gentleman with respect to the order of council. A motion for inquiry is brought forward. The order evidently threw some slur on the bank, and as a proof that they felt so, the directors immediately published a paper which contained an assurance of the prosperous state of their affairs. Under these circumstances, it was natural and laudable that they should feel an anxiety for that inquiry, which was necessary to vindicate their own credit. Another reason assigned for the inquiry is, that the public are to be called upon to guarantee the security of the bank notes. On the first suggestion, I did not see any thing objectionable in granting this guarantee. As I have since, however, altered my opinion, it may be proper for me to say a few words on the subject. Every sanction given by the public to the credit of individuals, though for a time it may be attended with some advantage, will ultimately be found to be injurious and destructive. If the credit of the bank rests on that footing of solidity which has been asserted, it is better that it should still remain on the same foundation. The right hon. gentleman, however, thinks that even with the favourable opinion which is now entertained by the public of the credit of the bank, there would still be some advantage derived from the guarantee of the government. It is curious to hear from the right hon. gentleman this theory with respect to the advantages of guarantee. Happy would it have been for the country if he had not in former instances extended this system of guarantee to foreign powers. Without paying any compliment to the bank of England, I think

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its credit fully as good as that of the bank of Vienna. Without instituting any particular inquiry, I think we might as safely guarantee its security, as the security of some German princes, with respect to whom we have no means to ascertain either the obligations to which they are liable, or the funds which they possess to discharge them, and of whose good faith we are entirely ignorant.

If I thought that the committee would be empowered to go into all the causes which have led to this disastrous state of affairs I certainly should not desire that the inquiry should be placed on a more extensive scale. The right hon. gentleman has, however, intimated that it is not his intention that the inquiry should be conducted in this manner. He has stated that there are some points of peculiar delicacy connected with an investigation of the state of the bank, and the disclosure of which would create great embarrassment. There is one distinction, however, to which it is material to attend. While the credit of a corporation is entire, the public have no right to pry into their secrets; nor is it fitting that they should be made matter of investigation; but when once a failure has taken place, or a slur has been thrown upon its character, the best remedy for this unpleasant situation of its affairs is, to bring them into a state of the utmost publicity. When we hear, in the present instance, of some points of great delicacy, we must view them in comparison with those points of still greater delicacy which attach to this subject: and in this light what exposure of the affairs of the bank can possibly involve considerations of greater delicacy than a measure which goes to the extent of violating the national faith, and invading the property of the public creditors? The House are called to decide upon the merits of the whole transaction. To assist them in forming their judgment, it is necessary that all the concerns of the bank should be investigated. They ought to be enabled to pronounce how far the measure has been dictated by motives of imperious necessity: every circumstance which has been made known to the chancellor of the exchequer respecting the situation of the bank, ought also to be made known to the committee: all the grounds on which he has been induced to publish the order of council, ought to be laid before them: it is only from such full information that they can be enabled correctly to judge of the conduct pursued on the occasion. The nature of the case is such as immediately to demand the most particular investigation. For though there were eight members of the cabinet present at the council from which the order was issued, it is to be remarked that the responsibility, chiefly attaches to one individual—the chancellor of the exchequer. Upon the representation of the chancellor of the exchequer of the unusual demand for specie, and the danger of a scarcity of that article for the purposes of the public service, was the measure adopted. Let me beg of you not to imitate the blind confidence of the lords of the council, and bestow your approbation on the mere representation of the necessity of the measure, but to have before you all the facts and arguments connected with the transaction, and to draw your conclusion from a full and impartial investigation.

The minister tells us, that he would not have taken the measure without feeling the strongest conviction of its necessity. He insinuates that the same conviction was experienced by the bank directors. Of the excellent conduct of the bank of England, I have not the least doubt: that many circumstances in that conduct are highly meritorious, I do not deny; still less should I think of denying that to the excellent conduct of administration, from time to time, since the Revolution, upon the subject of preserving faith with the public creditor, much of the prosperity of this country is owing. But am I, therefore, because they choose to ask for it, to accede to measures that are wholly without a precedent, and that without understanding that there is to be a full inquiry into all the conduct of those who, in my opinion, have brought our affairs into their present condition? I, therefore, say, that if the House of Commons should allow this committee to be appointed, they will most scandalously abandon their duty, if they confine their inquiry to what the chancellor of the exchequer has this night stated. If the committee shall inquire into the state of the outstanding engagements of the bank, and what are their funds for providing for them, and shall stop there, I say they will shamefully abandon their duty. They must not be content with any measure, merely because in the opinion of the minister it is right; no, nor even upon finding that, in the opinion of the direc-

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tors of the bank, that it is right. It is your duty to examine the grounds upon which these opinions are formed, and finally to form an opinion of your own. If ever there was a question in which confidence in ministers should be placed out of view altogether, it is this very case. Let us look at the case, and see what sort of a thing it is. Is it a case of treaty upon peace or war? Is it a case of negotiation? No; it is a case of finance, and finance merely—a subject which at all times has belonged, and belonged almost exclusively to this House—a subject which, from its nature, is best considered in a public assembly. Will the minister himself get up this night and say, that administration are, on the face of things, exculpated for every thing that has lately happened to the financial concerns of this country? Will he say, that they have been punctual in the discharge of their duty upon that subject, and that it is not owing to them that we are in our present deplorable condition? Is it not notorious that the prizes of the last lottery were delayed in payment for a considerable time? Has not the public creditor thereby suffered? Has not the public credit of the nation been thereby diminished? Have not bills on government been protested; have not the holders been plainly told that they must wait for a considerable time; and have they not been obliged so to wait? Most unquestionably they have. And the reason assigned for all this delay in payment, has been fashionably called, the want of a sufficient circulating medium, but which, in truth, only proved our insolvency, and the inability of the minister to fulfil the promises which he so readily held forth. All his new schemes of finance have only contributed to bring on the evil which he has from time to time pretended to remove. Is it not notorious that he has rejected all the advice that has been given to him from time to time? He pretended to do away all the evils that arose from the increase of our unfunded debt, evils which we all felt, and for which certainly a remedy was necessary. But what was the effect of his pretended remedy, and what has been the result of his conduct since he pretended to provide against the mischief? Why, that he has so miscalculated the wants of government, or from time to time so mistated them, that he has been obliged to provide for the sum of twelve millions, after assuring us that no farther money would be wanted for the funding of the navy debt; and after all these assurances from time to time, that he was making ample provision, the navy bills at this very time are at a higher discount than they were at any former period.

Sir, I come now to another point. The directors of the bank often told the right hon. gentleman what the effect would be of his sending such vast sums of money abroad. They remonstrated against such conduct. I will not enter upon the detail of the advice that was given to him at these times; but we all know, and now feel the effect of, his conduct; for he sent money abroad, not only in defiance of the remonstrance of the bank, but against the spirit and letter of the constitution. Such has been the conduct of the chancellor of the exchequer; and I do say, we are now called upon, by the duty we owe the public, to give no farther credit to him for his statements in any public affair of finance; more especially upon the subject which is now before us. It is a subject on which this House ought not to place confidence in any minister, because it is a subject which we ought most scrupulously to examine for ourselves. If the best minister that ever managed the affairs of this country were to ask for confidence in such a case as this, it would be the duty of this House to withhold it. If the right honourable gentleman's father, in the course of the seven years' war, when his measures led to the most brilliant victories, had come to this House to demand such confidence as the minister seems to ask by the speech which introduced the motion which is now before you, I believe, that notwithstanding all the esteem which that illustrious statesman deservedly enjoyed, the parliament would then have had virtue enough to refuse it to him; but he had too much regard for the constitutional privileges of this House, to ask for such a confidence. What, however, would have been denied to the virtue, the wisdom, the eloquence, the glory of that minister, had he asked it, is now, I fear, to be given to a minister who has disgraced himself, and ruined his country. The House, if it means to have any credit with the people, must not confide in any man, but examine the real state of public affairs, control the executive power, and institute minute inquiry, into all the circumstances that have led to the calamitous condition in which we are now placed. We must take

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care that the man who has brought us into this deplorable state, shall not be permitted totally to ruin us. If we do not do so, the most candid manner in which we can act towards the public is to declare at once that we are persuaded the care of this country is grown above the cognizance of the House of Commons, and that we choose to give it up entirely to the direction of the king's ministers; in which case we shall plead guilty to all the charges that have been exhibited out of doors against us; that we are not the representatives of the people of England, but the servants of the minister of the crown; that it is true, indeed, the theory of the constitution of England is beautiful, but that its practical utility is at an end, as far as regards the functions of the House of Commons, for that now they implicitly commit to the minister of the crown all control over subjects of finance. Let me ask, if this must not be the inevitable conclusion of the people of this country, if you do not enter upon a full inquiry into this subject? Let me ask, if this be not a case for inquiry, what case can possibly be called so? Let me ask, what case can be more violent, and less warrantable by law than the present? Let me ask, if ever since the Revolution there was proposed a measure more fraught with danger to the credit of this country? Let me ask, if any minister ever existed who had less claim to confidence, and whose conduct called more for the jealousy of this House than the present minister? If, after you have turned these questions in your minds, and have agreed what answer ought to be given to them all, you still confide in the present minister, I will then say you will deserve every thing that has been said against you, for you will, indeed, be a House of Commons that has surrendered all its functions to the will of the minister of the crown.

There has been a custom, I confess a very laudable one, to speak well of the navy. It certainly is a service to which the people of this country are prodigiously indebted, and we cannot have too much tenderness for the character of our naval officers, and yet we find it to be the uniform practice of this country to call to a court martial every officer who has been unsuccessful to a certain extent, however meritorious his conduct may have been. Now let me ask, if this be the case with regard to our favourite service, what should be the conduct of this House when the minister of the crown has been guilty of mismanagement in an alarming degree? What should be the conduct of this House when a minister issues a proclamation in the name of the privy council to destroy the public credit of this country? Let me ask what should be the conduct of a House of Commons towards him who is at least *primâ facie* a culprit before them and the public,—who is certainly in the situation of an accused person? I think it is not difficult to answer these questions. If there are any who hear me who think that I say this from personal rivalship, they are welcome to charge me with it; they do not know my nature; those who do, will bring no such charge against me. If, however, to charge a criminal minister, in order that an inquiry may be made into his conduct, be a crime, then I am content to be called a great criminal. Let me ask, what is the credit of this nation, if a proclamation, dictated by a minister, is to set aside the provisions of solemn acts of parliament? Long, long experience has taught us, or should have taught us, that punctuality and good faith are the foundations of credit; that credit can have no existence independent of good faith. It has been said, more than once, that we are to trust to Providence in our affairs. It would be a miracle which I have never yet heard that Providence has performed towards man to give credit to those who have no faith. On the 27th of February 1797, for the first time since the Revolution, an act was done in the king's name which has struck at the foundation of the public credit of the country, by seizing the money belonging to individuals, deposited in the public treasury of the public creditor; and afterwards withholding and refusing payment of that money. What can now restore that public credit? Will any man say he knows the remedy for this? If it shall appear that ministers have acted prudently, according to the pressure of the case: that they acted wisely; that they have acted economically; that they looked forward to all the consequences, as far as human prudence could foresee—then I am willing to allow there is no man can blame them, however calamitous our condition may be. If they can show, contrary to the *primâ facie* evidence of the case, that they have not been to blame, they must be absolved; but that is no reason why we should not have a full inquiry

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into the matter: on the contrary, it is a very strong reason for such inquiry; and they themselves are deeply interested in having it instituted. But, if it should appear that this crisis has not been brought on without guilt on their part, it must be absolutely for the credit of the public that the truth of the matter should be made manifest to the world. If you shun this inquiry, what will be the consequence? I will suppose, for the sake of argument, that the whole of this measure is the result of inevitable necessity. I wish, then, to know what the public creditor is to think. He will deliberate thus: Although in 1797 the minister struck unavoidably at the public credit, yet what happened in the House of Commons? That in pursuance of a full inquiry it was found to be an act of inevitable necessity, and could not have happened under any other plea? No; it passed upon the assertion of the minister that it was an act of necessity, and there was no inquiry; therefore some future minister may be wicked, although the present one may be virtuous, and may take this as a precedent, and call that inevitable necesssity, which, in truth, will be only an act of convenience to him, and under that pretext appropriate the property of the public creditor to the use of government; so that without a full inquiry into this matter, you can never restore confidence to the public creditor. On the other hand, if this is the result of the misconduct of the minister, you should declare it to be so, and by the punishment of the delinquent show the public you take care of their affairs. These are the only two ways in which you can restore the confidence of the public creditor.

Let us now see what has been the conduct of the present minister in the course of this war, upon the subject of finance. Have any three months passed in which he has not produced some new expedient? And have they not every one of them, without a single exception, proved erroneous? Good God! Sir, let us look at the situation of this country! Year after year the minister has been amusing us with his ideas of the finances of France—now on the verge, now in the gulph of bankruptcy! What computations upon their assignats and their mandats! They could not possibly continue. All perfectly true. But the misfortune is, that while he was thus amusing us, he has led us to the very same verge, aye, into the very same gulph. While he thus declaimed against the finances of France, and predicted truly as to the issue of those expedients, he felt miserably short of his conclusion, that these considerations would put an end to the energy of the French. Their rash expedients have not put an end to their energy; and, perhaps, these rash expedients will not make us a prey to a foreign invader. But, are we to follow their expedients on that account? By no means. We are not in the same relative situation with regard to the rest of the world. We depend more upon our commercial credit than they do. The minister has conducted the war upon the hope, that we should be able to defeat the French by a contest of finance; and you now see the expedients to which we are driven. I am aware that I may be answered, that I propose my panacea,—an inquiry. I plead guilty to that charge; but my panacea has never been tried; the minister's opposition to it has been tried repeatedly; namely, confidence in him. The public have seen the effect of that opposition. All I ask is, that my remedy may be tried; it can never be worse than his. We have for a long time had a confiding House of Commons. I want now an inquiring House of Commons. I say, that with a diligent, inquiring House of Commons, even although it should be an indifferent one with regard to talents, and with a minister of very ordinary capacity, we shall be able to do more for the service of the people of this country, than with a House of Commons composed of the best talents that ever adorned any senate, and a minister of the first abilities would be able to do, if that House should implicitly confide in that minister. If, therefore, I have, in a uniform tone, called for inquiry, and the House has been as persevering, as certainly it hitherto has in confiding, it is not wonderful that we are in our present condition. I say, that without inquiry into the cause of our calamities, the public neither will nor ought to be satisfied. I say farther, that the House ought, for the sake of its credit with the public, to enter into a full inquiry upon this matter, for the authority of an inquiring is much greater than that of a confiding House of Commons.

Mr. *Hobhouse* said, that when information was received that this measure was to be adopted, all the bankers were struck with consternation. He was afraid that bank paper, would fall into as low a con-

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dition as even assignats or mandats. It was the duty of the House not to rely upon the assurances that the bank was capable of fulfilling its engagements, but to investigate the causes of its inefficiency to supply the demands upon it, before it undertook to guarantee its payments. At present its causes were enveloped in darkness, and they had scarcely any better idea of the necessity of the measure, than that the people were in dread of an invasion, and had buried their money in the earth. He suspected, however, that more money had been buried in Germany than in the ground, and believed that to be the principal cause of the embarrassment. The appointment of a committee would answer no good purpose without a full inquiry into all the circumstances that had led to this dreadful situation.

Mr. *Martin* said, that the chancellor of the exchequer had proposed an inquiry, which in its nature must be a partial one. Now, a partial inquiry into a question of accounts, appeared to him to be an absurdity, and therefore he could not vote for it. He was ready, however, to agree to any measure that had a rational tendency to support public credit.

Sir *John Sinclair* said, that the only rational way of judging what ought to be done, was to look at what had been done in former times, for which purpose he should desire an entry on the Journals. The case which he referred to, was the plan adopted by parliament for restoring public credit in 1696, when the bank struggled under similar embarrassments. Mr. Montague was the chancellor of the exchequer at that period and author of the plan of relief; and under his vigorous direction, the affairs of the bank quickly regained their former stability. A committee was appointed to inspect the accounts of the bank, the number and extent of its outstanding engagements, the amount and value of its securities, the causes of its embarrassments, and the most speedy and effectual measures to surmount them. By the report of the committee it was evident that the bank was in possession of more than sufficient property to justify every demand, provided the temporary pressure for cash could be obviated. In consequence of the good effects of this precedent, he could not help thinking that it would be proper to pursue the steps of that committee of 1696, by inquiring not only into the amount of the outstanding engagements of the bank, but into that of the property also. He had learnt from the chancellor of the exchequer, that it was the intention of government that the notes of the bank of England should be received from individuals by the public: from which circumstance, if the notes should fall in credit, the revenue must be diminished. The next point was, whether bank notes were to be considered as a legal tender from the public to the individual? Unless this were enacted into a law; it would be impossible to carry on public affairs, for there was not specie enough in the country to pay all the public creditors. The next point to be settled was, whether bank notes should be considered as a legal tender from one individual to another. Unless they were so, he was persuaded that one-half of the public might be sent to gaol for debt, and that the other half would become bankrupts. But, the most important light in which these things should be considered was, the effect which the whole would have on foreigners. It would alter the price of every article purchased from foreigners abroad: it would affect the value of every article exported to foreigners from home. It would shake the credit of Great Britain in the farthest parts of Russia, and be felt in the remotest corners of the earth. He lamented that earlier measures had not been taken to prevent what had happened, especially as the danger had been long foreseen. But he had done his duty. He held in his hand a copy of a letter which he had written to the directors of the bank, so long ago as the 15th Sept. 1795, wherein such measures were proposed as probably would have prevented the sad necessity to which they were now reduced. This letter suggested the propriety of issuing bank-notes of 2*l.* and 3*l.* value, as well as notes of larger sums, that should not be immediately converted into specie. Since, however, the directors had not chosen to adopt any preventive measures of that kind, he trusted that if a committee should be appointed, it would consist of able and independent men, and not of persons, who, from their prejudices, habits, or connexions, would wish either to support or oppose the present administration.

Mr. *W. Smith* could not conceive the justice of government in first making the bank a corporation of bankers, and afterwards exonerating them from paying the money deposited in their hands. The partnership between the government and

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the bank was compulsory and unjust, as being a partnership of an insolvent government, which required a solvent company to bolster up its ruined finances. With regard to the utility of a secret committee, he would much rather take the word of the directors of the Bank, as to the solidity and responsibility of their funds, than the report of the secret committee, who had only the power of making a partial inquiry.

The Earl of *Wycombe* said, that if the suspension of payment required by the privy council, was intended to remove a public pressure at home, he should have no objection to accede to it; but as he thought all this was intended merely to cover a design of sending money to the continent, to carry on the war, he was bound in duty to give it his negative. The House should reflect on the evils which such a measure as this could not fail to produce. It would lessen the value of the paper currency of the kingdom. He had seen the misery which that had produced in other parts of the world, by raising the price of all provisions, and bringing on a train of evils with which that House was unacquainted.

Mr. *Pollen* was of opinion that the inquiry which ought to be entered into should be of the most extensive nature. If, upon inquiry, it should appear that ministers were undeserving of his confidence, he should withdraw it from them. He should vote for a full inquiry into the circumstances which had led to the present situation of the country.

Mr. *C. Yorke* said, that an unlimited inquiry must in its nature be tedious, and delay might be attended with the most fatal consequences. He would therefore refrain from any opposition that might obstruct a speedy report.

Mr. *Wilberforce Bird* said, he was instructed by his constituents to inquire what method would be recommended to enable them to carry on their business, and to answer the many demands to which it exposed them. He did not intend to put any unnecessary question, with a view to embarrass ministers, but in the desire to obviate the difficulties in which manufacturers must be involved. A rumour had gone abroad, that it was the intention of the Bank to issue notes of one and two guineas each. Such an expedient would quiet the alarm, and enable the manufacturers to answer the many claims that were continually made on them.

Mr. *Pitt* said, it was his intention before the House separated, to move for leave to bring in a bill, which might be carried through very quickly, to enable the Bank to issue notes below *5l.* value.

Sir *W. Pulteney* said, that the order of council had given rise to just alarm. He gave ministers credit for having so speedily laid before the House a measure of this importance. He considered the state of the country as no worse in consequence of the present step, provided wise measures were taken upon it. The stoppage of payment in cash was not to be held as a permanent system, but merely as the alternative adopted under the pressure of the moment. The motives, however, assigned by the chancellor of the exchequer, did not satisfy him that it was to be only for a limited time. Indeed, it was impossible to think of it as a measure to be continued. There was a great difference between the measure itself, and the continuance of it. In 1793 the Newcastle banks had declared as now, that they must stop the payment of their notes in cash, under the pressure of a temporary scarcity; but they soon obtained the necessary supply, and went on again as before. Such was the case of the Bank. The Bank had not always beside them the cash for all the notes they issued; for if they had, why issue notes at all? The Bank merely kept what was conceived to be necessary. They had value, however, in good bills, or otherwise for all the notes they issued, and money was within their reach. They would, doubtless, be able to answer all demands. Such a measure as that adopted by ministers might do no harm for once; but if it again occurred, it would be no joke. It was therefore highly necessary to inquire into the causes, that in future they might be prevented. The plan proposed was not enough. Partial reports from the committee would not be sufficient. To prevent the same dilemma from recurring was the great point. No mischief could arise from a full investigation. The measure of refusing payments in cash must be for a short time, or the consequences would be fatal. In France, on account of an occasional pressure, the bankers joined in application with the *caisse d'escompte*, that they might not be obliged to pay their notes in cash, which gave a blow to their paper money, which it never recovered. This measure was merely calculated for the emergency of

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the occasion. The country could not stand if the credit of the Bank was shaken; it was therefore necessary to protect its stability, and by a full inquiry into the causes which had led to this situation, to guard against the danger of its recurring. With regard to the cause, he thought he knew where it lay. The existence of paper money made the exportation of specie necessary. What was thus put out of circulation must go somewhere. It was impossible to prevent the exportation of specie and bullion. Spain and Portugal were instances; and if the prohibition were complied with, we should feel its bad effects. Industry, agriculture, manufactures, were the true riches of a country, and would always command a sufficient supply of the precious metals.

Mr. *Hussey* said, that the chancellor of the exchequer, and not the Bank, had occasioned the measure of stopping their payments in cash. It was he who had imposed upon them this fatal order. Let him pay to them all the money they had advanced, and then the difficulty would cease. The minister had laid his rapacious hands on the sums destined for the payment of the public creditor. The public creditors had been refused their just demands. He had been told that in payment of a sum of 23*l*., three pounds in cash had been offered, and the rest only in notes. Such a melancholy day as this for England he had hoped never to have lived to see. It was deluding the people to talk of a committee such as that proposed. Instead of such idle stuff as this, let the minister pay off the ten millions due to the Bank, and every thing would go on smoothly.

Mr. *Pitt* said, that the hon. baronet was alarmed at the proposal, as it implied that the measure was to be permanent. Nothing, however, could be farther from his intention. He had not the smallest objection that a limited time should be fixed; nay, the words from which the conclusion of its continuation was inferred, had been introduced solely in this view. The measure was one which, while it continued, ought to have the sanction of legislative authority. He was ready to say, that the Austrian loan, though one of the causes which might influence the great events which operated on our situation, was not the immediate cause to which the necessity was to be ascribed. The sudden drain upon the metropolis was unconnected with any circumstances which could infer either the deficiency of the Bank, or the unprosperous situation of the country. The rate of foreign exchanges never were more flourishing than at this moment. The necessity of the measure originated in a sudden demand beyond the usual average. The short question for the House was, to prove the reality of the situation which had produced the order of council. The causes would be so differently viewed according to the political and commercial opinions of men, that they more properly belonged to future discussion. The inquiry was called for in the first instance by every consideration of public interest and public duty. With regard to the observation of the hon. gentleman, "pay the Bank what they have advanced, and all will be well," it was founded entirely on mistake. Did the hon. gentleman imagine that the Bank advanced their specie to government; or that he, with rapacious hand, had seized upon so much money as he had mentioned? By far the greater part of that sum was floating advances, not now made for the first time: nor was there more now outstanding than had been upon many occasions before he came into office. The advances were commonly made in notes, and paid in the same manner; unless the Bank had no other advances but those to government; and unless these occasioned an issue of their paper, inferring a demand for specie which otherwise would not have taken place, the advances to government could not in any view produce the difficulties of the Bank for cash. It was not impossible that, upon some future occasion, a loan might be required for the purpose of taking up these floating advances; but, did the hon. gentleman conceive that such a loan could be in specie? The hon. gentleman supposed that taxes were paid in specie, and that the public creditor, on the other hand, was not to be paid at all. The public creditor, however, often received notes instead of cash. Loans were often advanced without any expectation of being paid in specie, nor could the Bank ever have it in contemplation, that every quarterly dividend was to be paid in cash. All the receipt of the revenue paper was taken in the same manner.

Mr. *Curwen* said, that this was another rash endeavour to delude the country. The arguments of the minister were a mockery of their understandings. He

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said that paper was, in common usage taken by the public creditor. But, good God! was not the case now widely different, when paper could no longer be converted into cash at pleasure? The House ought to step in to rescue the nation from ruin. Not the downfall of a minister, but the safety of the country was at stake. Unless the House made a decided stand, the country would be ruined.

Mr. *Bastard* said, that a partial inquiry would do more harm than good. It was his opinion that the Bank needed no support; but if the state of the Bank was to be investigated, was it not of much greater importance to know the state of the country? The House ought to combine to apply a powerful remedy. They ought to cut off that prodigality which had prevailed. They ought to see that the money raised for the public service was fairly applied. They must retrench; they must regulate; they must controul. Without fairly examining into our situation, there was no chance of salvation.

Mr. *Dent* thought that inquiry, so far from being attended with good, would do infinite harm. The Bank was equal to every fair demand upon it, though not prepared to answer an extraordinary exigency, whether arising from the pressure of the war, or other occasions—a war not entered into by this country from choice, but wantonly made against us by a people who had denied the existence of a supreme being.

Mr. *Sheridan* denied that the value of bank notes was the same now, as it was before the order in council. Was not the question always put to the creditor whether he would take his dividend in paper or in cash? The measure had inflicted upon the bank a very severe stroke, and he saw only one way in which it could possibly recover it, which was by coming forward, and showing the country that they had adopted the measure from compulsion. An hon. baronet had observed, that if the measure was repeated, it would make but a bad joke. If it was a joke, it certainly was one at which the country was not much disposed to laugh; but if it was tolerated in this instance, he was afraid these facetious measures would frequently occur. He conceived that it was by no means a temporary expedient, and foresaw that the bank never would be able afterwards to defray its outstanding engagements in cash. For how was it possible they could, since they were about to issue a greater quantity of paper, and their cash was seized on for the public service? He reprobated the transaction as a step to associate the bankrupt government with the solvent bank; a partnership which, if the bank directors knew the interest of the concern under their direction they ought to spurn at, and to force the right hon. gentleman to withdraw his indorsements from their bills. But it was urged, that the bank had temporary difficulties to encounter, and that it behoved the House to adopt some mode of granting relief to that important public body. The House, however, knew nothing of this. No application had been made to them by the Bank, nor did it appear even that application had been made for the order in council; on the contrary, it appeared that this facetious council, instead of examining the directors of the bank, acted entirely upon the authority of the chancellor of the exchequer. Nay, what added to his surprise was, that not one of the bank directors who had seats in that House, had come forward and expressed an opinion upon the subject. Some information was certainly necessary before the House sanctioned so novel and dangerous a measure. They had heard of the bank lending two millions to government, and they had also heard of the dividends on bank stock increasing. Was it not material to be informed how they came to stop payment at a time when their affairs seemed to be going on so prosperously? He called upon the directors to say, whether it was at their desire that the order in council had been issued He did not approve of appointing a committee to inquire into the affairs of the bank, as he had the firmest confidence in its solidity; but he deemed it highly expedient that a committee should be appointed to inquire into the grounds upon which the order in council had been issued. There was but one hope, and one opinion that the Bank would be found to be perfectly secure, Why, then, should the public guarantee their notes? As well might the master of the Mint indorse a guinea. But what was the nature of this guarantee which government so generously offered to the bank? Government first lays hands on the cash of the bank. Next day government say, You cannot pay your notes; No, replies the bank, because you have taken away our cash. Very well, then, say government,

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you must stop payment till we examine into your affairs, form a partnership, and indorse your bills. The bank might very justly answer; Give us back our cash, and we neither want your partnership nor your guarantee. Had such a man as sir John Barnard presided at the bank, he would have taken the order of council, and thrown it in the face of the messenger; for in either case it was an affront upon that body. If they had cash, what right had the chancellor of the exchequer to seize upon it: if they had none, it was an insult to pretend to prohibit them from issuing it. And what was the value of this guarantee, which government was so generous as to offer to the bank? Had not government broken its faith with all its creditors, with the bank, wirh the emperor of Germany, and with every individual who were in possession of its acceptances? The solidity of the bank would be infinitely stronger, if it remained entirely unconnected with so discreditable a partner. In his opinion, bank notes ought to be made a legal tender to government, and government ought to be compelled to make every payment in bank notes, except the dividends on the public stock, which ought to be paid in cash. He was unfriendly to a committee to inquire into the situation of the bank, but, instead of opposing it, he would move an amendment, by inserting after the word "House," these words: "And also to inquire into the causes which have produced the order of council, of the 26th instant."

Mr. *S. Thornton*, as one of the directors of the bank, would only observe, that if the House should institute a committee of inquiry, there was no investigation which the directors would not most cheerfully meet, as they were conscious it must tend to their honour, and to the credit and reputation of the bank of England.

Mr. Secretary *Dundas* said, that the amendment proposed negatived the original motion. While the hon. gentleman professed himself adverse to an inquiry, he proposed to enlarge it by adding a question respecting the causes of the embargo; and these were alleged to be a total mismanagement in every department of finance. Thus an inquiry into every circumstance of the war would be set on foot: and the great object of satisfying the public with respect to the solvency of the bank, would be delayed till the state of the nation, in every particular, could have been ascertained.

The *Attorney General* said, the case was shortly this: an order of council, without any legal validity, had been sent to the first monied company in the kingdom, and this order had been complied with. It was universally agreed, that such an order should not have been issued, unless it was warranted by necessity, and that it should continue in force no longer than the necessity continued. The question therefore was, whether the House should not immediately proceed to discuss the circumstances under which it had issued, with a view to determine whether it ought any longer to be acted under? As he saw the necessity of an immediate determination on a business of such consequence, he should vote against the amendment.

Mr. *Fox* considered the questions of the measures to be adopted and of the cause of the present situation, as inseparable. Till the House were apprized of what had produced the order, they could not well know how to apply the remedy.

Mr. *Pitt* considered the motion and amendment as comprising three distinct inquiries. Though they were all retained in the amended motion, yet Mr. Sheridan had objected to that part of the motion which pressed an inquiry into the state of the bank. This inquiry, he wished, however, to be made, with a view to show that its ultimate resources were solid. He considered this as the more necessary, because, while Mr. Fox had said, that he was convinced of the fact, and stood in need of nothing to confirm him in his belief, he stated their late conduct as an act of bankruptcy not to be remedied. When gentlemen cried up the solidity of a corporate body in one breath, and in the next imputed bankruptcy to it, an inquiry became necessary.

Mr. *Fox* said, he had not applied the word bankruptcy to the state of the bank, but to the government, to which it had been long applicable.

The question being put, That the words proposed by Mr. Sheridan be there inserted, the House divided:

Tellers.

YEAS	Mr. Grey Mr. Whitbread	86
NOES	Mr. Douglas Mr. Rose	244

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The original motion was then carried, and a secret committee of fifteen was ordered to be chosen by ballot. After which it was resolved, on the motion of Mr. Fox, "That it is the duty of this House, to inquire into the causes which have produced the Order of Council of the 26th instant;" and Mr. Pitt brought in a bill to remove doubts respecting Promissory Notes of the Bank of England, for payment of sums of money under five pounds. The bill was read a first time, and went through the remaining stages on the following day.

Debate in the Commons on the Bill to suspend the Acts for restraining the Negotiation of Promissory Notes.] March 1. Mr. *Wilberforce Bird* said, that in consequence of the present scarcity of cash in the hands of manufacturers, it became necessary that bankers and manufacturers in the country should be enabled to issue notes, payable at stated times. There were laws now in force to prohibit the issuing of small promissory notes, payable otherwise than on demand. His object was to allow the issuing of promissory notes for a limited time, as if such laws were not in existence. There could not be much inconvenience in allowing country bankers and manufacturers to issue these small notes; for they would be known in the neighbourhood in which the notes were issued, and the persons who held them could have no difficulty in procuring payment for them. He then moved, "That leave be given to suspend, for a time to be limited, the Acts of the 15th and 17th of his Majesty, for restraining the Negotiation of Promissory Notes, as far as they relate to Manufacturers and Bankers, not residing in the cities of London and Westminster, and the borough of Southwark."

Mr. *Sheridan* said, that the remedy proposed he believed to be absolutely necessary. It would undoubtedly be a great evil; yet if omitted, a greater evil might ensue. He did not know how it was possible to go on without making some provision for the capital as well as for the country. He was confounded when he looked at the probable consequences to which the measure which gave birth to these applications might lead. If a poor man was to be paid by a guinea note instead of a guinea, and no one would give him change for it without a discount of seven shillings, to what dreadful consequences might this not lead. It would be dreadful, indeed, if these notes should become assignats; and he feared it would be so.

Mr. *Pitt* thought the effects of the suspension might be beneficial to London, Westminster and Southwark. He therefore wished that the exception should be left out.

Mr. *Fox* said, he had no objection to the amendment. He foresaw, however, great inconvenience in issuing these bills, particularly in the metropolis. He feared that great advantages would be taken of the ignorance of the multitude, and that great frauds and mischief would ensue.

The amendment was agreed to, and leave was given to bring in the bill. The bill was brought in on the following day. It was read a third time on the 3rd, and after a clause had been introduced limiting its operation to the 1st of May, it was passed.

Debate on Mr. Fox's Motion for a Committee to inquire into the Causes of the Order of Council respecting the Stoppage of Cash Payments at the Bank.] March 1. The Resolution of yesterday, "That it is the duty of this House to inquire into the Causes which have produced the Order of Council of the 26th instant," being read,

Mr. *Fox* said:—In rising to move for a committee of inquiry, I assure the House, that any person who thinks me disposed to indulge in petty cavils, or to enter into minute and verbal criticisms, is totally ignorant of the state of my mind on the present occasion. I feel the present crisis to be the most important that ever occurred in the history of this country; and I solemnly declare, that my opinion, with respect to the chance of the future prosperity of this island, is more changed within these eight and forty hours, than I could possibly have conceived at any former period. The object of the committee which has been moved for, besides inquiring into the state of the Bank, is to examine into the necessity of confirming and continuing the order of council. I conceive the duty assigned to this committee to be far too narrow: they are not empowered to inquire into the causes which produced the necessity on which the order of council is said to have been founded. Now, there may be some who are of opinion, that no previous necessity existed to justify that order. But, after

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the order has been issued, however rashly or improvidently, it may have become matter of absolute necessity to continue and confirm it. If the order of council has, indeed, arisen from the pressure of irresistible circumstances, so long as we remain ignorant of the causes which have led to this dreadful situation, we can only apply temporary palliatives for the evil. If it has arisen from the improvidence of financial arrangements, and from an unprincipled system of public expenditure, then the remedy is certain; but if, on the other hand, it had arisen from real financial and commercial embarrassments, then the prospect will indeed be melancholy for the country. If this unexampled distress has proceeded from the criminality of those at the head of affairs, we must then for a remedy recur to former principles, and endeavour to restore the vigilant policy and the pure administration of former periods; but if this calamity arises from the magnitude of the national debt, and from the rapid degree in which it has increased above the means of the country, we must then adopt a principle of conduct accommodated to this new situation in our affairs. Such is my conviction of the importance of the crisis, that I am persuaded that on the measures that shall be adopted within these three weeks, the fate of the country depends. It is my intention to move for a committee of inquiry. In my opinion, the more public the inquiry, the better will it answer the object for which it is intended. But there are, perhaps, some circumstances connected with the investigation, which might not be deemed proper to be generally divulged. I do not, however, mean to propose that the committee shall be chosen by ballot, but that the members shall be named in this House. An opinion has certainly gone abroad, that a great majority of this House repose an unlimited confidence in the minister. Now, if such be the surmise, it surely is better that the members of the committee shall be openly named in the House. If it be the opinion of ministers that their friends only should be members of the committee, let them express that opinion by their vote, and not regulate the appointment by the influence of ballot. We shall then be able to judge what expectation we may form from the committee. Mr. Fox then moved, "That a committee be appointed to inquire into the causes which produced the Order of Council of February 26."

General *Walpole* said, that the best way to restore public credit was, to give confidence to the people, which could only be by a removal of ministers. It was agreed on all hands that no blame attached to the Bank. It followed of course, therefore, that it must lie with the ministers. Upon this ground he seconded the motion.

Mr. *Pitt* did not rise so much to object to the propriety of a general inquiry, as to combat the idea of a necessity of enlarging the powers of the committee. The duty attached to that committee he conceived to embrace both objects of inquiry; therefore, if another committee were appointed, there would be one committee examining the propriety of continuing the measure of the privy council, and another for the examination of the causes producing the necessity of the measure. In his opinion, the whole ought to be the province of the same committee. For what advantage could be gained from a different mode of proceeding? Both inquiries were to proceed upon the same documents. The same papers would be required, and the same persons summoned for examination. But how could these papers be produced, and these persons attend before both the committees at the same time? It was impossible, and if no time could be gained by it, what objections could there be to referring both inquiries to the same committee—a committee to whom no objections could be started, since their names were not yet known [a cry of Hear, hear! from the opposition], at least whose names were not yet before the House. But it was argued by the right hon. gentleman that the committee ought to be publicly appointed, and the different names who were to compose it submitted to discussion. He really found it difficult to speak upon this part of the subject consistently with the orders of the House. In his opinion, to discuss the names of a committee, who necessarily must differ in their political sentiments, and who were to be appointed to try a political question, it would be becoming the dignity of the House to avoid. If a number of gentlemen conscientiously, and from a regard to duty were in the habits of acting with ministers, and if a number of other gentlemen, he was bound to say in candour, conscientiously and systematically opposed the measures of ministers, no person was entitled to say who was right and who

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was wrong. All he contended for was, that there was no reason why a minority who oppose, should have more weight in a committee than a majority who support the government. It was presumptuous in any minority to pretend exclusively to integrity, and it would be absurd in the country to distrust the majority merely because they acted with ministers. As to the inquiry itself, it was a matter of indifference to him at what time the committee was appointed; but he thought it would be desirable that the other inquiry should be finished first. When that was accomplished, he saw no objection to the inquiry now proposed; but he did see much objection to the manner in which it was proposed to appoint the committee.

Mr. *Sheridan* said, that the mode of inquiry which the chancellor of the exchequer now proposed, was precisely that which was suggested by the amendment which had been rejected last night. He admitted, that the mode of appointing committees by ballot was a good one at first, but it was now become one of those good rules and good practices which were so often converted into masks of imposture and abuse. The right hon. gentleman affected to treat a public canvas for a committee as absurd and indecent: but he might have recollected, that he himself had recourse to that absurd and indecent mode of appointing a committee at a very critical period. He would now ask him, why at that time he gave into such absurdity, and induced the House to act in a manner so unbecoming its dignity? It was because at that time he knew the case to be delicate and nice, and that the country would not have been satisfied with a ballotted committee, which they knew to be a jury packed by ministers, to serve the purposes which they had in view. The right hon. gentleman asked, why they could object to a committee whose names they did not know? What could the right hon. gentleman say if he should assert that their names were known, and that several members, who got treasury lists put into their hands at the door of the House, went away in disgust. He could not be permitted, by the forms of the House, positively to say who would be on the list of the committee, but he should merely mention whose names, he would venture to predict, would appear on the list. If, however, that list agreed with his prediction, he presumed it would hardly be contended that he was such a prophet as to be able to tell the chances of a fair ballot. Mr. Sheridan then read the names on his list as follows: "Sir John Scott—a very respectable name. Isaac Hawkins Brown—a very proper person. Charles Bragge—he will entertain the committee with critical remarks. John William Anderson, John Fane, T. Grenville, W. Wilberforce, Charles Grey, Sir John Mitford, W. Hussey, W. W. Bird, W. Plumer, T. Powys, J. Blackburne, T. B. Bramston." All very respectable gentlemen! He must observe, however, that in this list, ministers had not preserved the rules of proportion, for his side of the House were entitled to have five and a fraction. He did not charge the chancellor of the exchequer with making out the list himself. Here, said Mr. S., I see the right hon. gentleman opposite (Mr. Dundas) smile, as if he would say, "No, my right hon. friend, in the innocence of his heart, never suspected such a thing; but there are plenty around him perfectly competent to the task." With respect to the question itself, he was perfectly indifferent whether an inquiry was instituted or not, if another committee was not appointed.

Mr. *Windham* (secretary at war), said, that the hon. gentleman, had resorted to the expedient which it was his custom on all questions to introduce, in order to disparage and to degrade the House. He thinks he has proved his case, when he has shown that the men who are to form the committee are influenced by the opinions of those with whom they have been accustomed to act. What foppery was it to adduce this as a charge of corruption, when it was so well known that the same thing prevailed upon the other side! Why were not the opinions of those whose conduct they generally approved, to have weight with members on this side of the House, as well as on the other? The cant of superior purity, and the charge of corruption, was the manner in which the minority commonly revenged themselves on the majority, and endeavoured to impose upon the public. The same charge might be imputed to the minority, because they were guided by the direction of the right hon. gentleman (Mr. Fox)—a circumstance which he did not state as a reproach. Must, then, the smaller number arrogate to themselves the most perfect rectitude, and charge the majority with the very worst intentions? Surely this was a pretty modest pretension! In fact,

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the charge of corruption against such a body as the House of Commons, was in itself ridiculous. The number who could be supposed to act merely from interest must be very few. Did the House of Commons differ from the country at large in this respect? In places where influence could be less felt, the same character prevailed. Yet, take the majority of any extensive society in different parts—take them in the city of London—and the same charge might be brought against their purity.

Mr. *Grey* said, his hon. friend had been accused of vilifying the House, and degrading it in public estimation. The right hon. gentleman held it to be useful that the mode of ballot should be so conducted as to be formed by ministerial influence. He conceived it to be no disgrace to receive instruction from administration with regard to the names to be given in the lists. But if the investigation was to be intrusted to a committee, formed in such a manner, it was not by the charge of his hon. friend, but by their own conduct, that the House would be degraded. It was said that this was the common cant of minorities, and that the opposition would act in the same manner were they placed in the same situation. But if gentlemen upon his side of the House were desirous to have influence with those who thought favourably of their principles, they would do it not by stealth but openly. They complained not that influence would produce its weight; but that the House displayed such readiness to confide. What was worst in this mode of forming the committee, was, that it pretended to be fair, while it could only have the effect to delude. The farce of a ballot ought at least to be laid aside, that the public might be able to judge of the purity they might have to expect. With regard to himself, he would say, and he wished his words to be remembered, that with the corruptions of the present government he would hold no communion, and if he thought his right hon. friend (Mr. Fox) in office, capable of maintaining the abuses at present prevailing, he would no longer afford him his support. There was no salvation for the country but in a complete investigation of the causes by which we were reduced to our present situation. There could be no renovation of public credit without a removal of the causes which had effected its destruction. To accomplish these objects, the most exact economy and the most extensive retrenchments were required. The influence of the crown must be diminished: places which were not essential to the purposes of government must be abolished; and, above all, and without which nothing could be effectual, a reform in the representation must be introduced. He knew the use which would be made of this declaration; but he was not afraid to utter his sentiments, nor was he concerned for the consequences which might be drawn from his candour. Until he had forfeited his claim to confidence by a dereliction of his principles, he was entitled to the credit of sincerity. It was said by the right hon. gentleman, was it not natural that those who had systematically supported the measures of administration, and given them confidence, should feel the influence which this circumstance would produce? He would say, on the contrary, that it was unnatural and monstrous that they should feel this influence in favour of the minister. If public affairs had continued to move in a course of glory and prosperity—if credit had remained unimpaired—if the Bank of England had not stopped payment and government committed an act of bankruptcy, then they might have given without a blush their support to the minister. But, after he had led us from one disaster to another, to the very brink of ruin, could he call for, could he expect our confidence? Ministers stood arraigned as having destroyed the public prosperity. They might obtain an acquittal; but it was right, it was decent, that the tribunal should be so constituted as to give weight to a sentence of acquittal. For this purpose, then, ballot was not the mode of proceeding. The best way would be, to refer the consideration of the first point to one committee, and the investigation of the causes to another; for there was nothing to prevent them from proceeding at the same time without inconvenience.

Mr. *Wilberforce* rose, to vindicate the dignity and consistency of the majority of the House, from the aspersions thrown out against them by gentlemen opposite. If government, as was reported, had actually offered the lists of members proper to be balloted for, and gentlemen, in consequence of that measure, either approved of or altered them, was not that proceeding a right one? He had altered the list presented to himself, and had thus exer-

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cised his right, not with a slavish acquiescence, but according to his discretion. Such a charge was peculiarly ill-timed, and came very awkwardly from the gentlemen opposite, who had at that moment lists passing between them expressly to the same intent. It became the country to inquire what retrenchments might be made; and no person would rejoice more at such a proceeding than the chancellor of the exchequer. The opinion of the public was held out as being against the sense of the majority of the House, though the fact was directly opposite. He recollected that such arguments were applied to him in 1783, and 1784, in 1790, and 1796, yet when he returned to his constituents, instead of finding the sentiments of the people against him, the reverse was manifest. In the actual state of the country and of the world, it was impossible not to be exposed to some evils, in spite of the utmost wisdom of any administration. But from the very outset of the war, much of the public calamity was, he was convinced, owing to the conduct of opposition, and of those who had proceeded to lengths which the opposition would not avow.

Mr. *Curwen* said, that had a list been brought to him, in order to influence his choice in nominating a committee, he should have regarded it as an insult. The aspect of the times was such that he felt himself compelled to support the minister, not from any approbation of his conduct, but because nothing else was left to be done by any gentleman who had a stake in the country. We ought no longer to deceive the country, but to go fairly into an inquiry that might heal its wounds.

The *Master of the Rolls* was of opinion that it would be improper to appoint a second committee, during the sitting of that which the House had just appointed.

Dr. *Laurence* addressed the House in a maiden speech. He began by observing, that ever since the order of council had been published, he had endeavoured to chastise and discipline his feelings, so as to look at the awful state of the country coolly and dispassionately, but with firmness and resolution. In that temper of mind he had come to the House, and he was happy to acknowledge that the manner in which the right hon. gentleman had introduced his motion was fair, candid, and in no respect discordant with his feelings. Yet he could not avoid saying that they were considerably affected by the violent declamation used by some gentlemen who followed him, and by the laughter which one hon. gentleman, through the greater part of his speech, had too successfully studied to excite in discussing a topic which required peculiar delicacy and gravity, at a period so momentous to the public welfare. The real merits of the question appeared to him to lie in a small compass. The House had last night passed a vote in which he had cordially concurred. It had been unanimously agreed, that it was their duty to inquire into the causes which led to the order of council. Now a proposition was made to nominate a new committee for that inquiry. Ministers resisted the motion, but were willing to consent, that an instruction to the same effect should be given to the committee, for the appointment of which a ballot had just been taken; submitting at the same time to the House, whether it would be best to give that instruction now, or to wait till the committee should have gone through the subjects already intrusted to their investigation. And upon this a charge of inconsistency was brought against ministers, as if they had thus in effect adopted the amendment negatived last night, which would at once have referred to the committee the general inquiry into all the causes of our present situation, and then, by a subsequent instruction which the hon. mover had announced his intention of adding, would have restrained the committee to report first upon the immediate cause, the existing necessity for the issuing of the order. For his part, he saw in the two modes of proceeding a marked distinction on the very face of them. In both it was true, the same subject would come under the consideration of the committee in the same order of time; but the importance which the House would appear to attribute to the immediate cause, the actually existing necessity, would be very different, whether it were kept distinct, or whether it were confused in the multitude of possible causes, more or less remote. The charge of inconsistency, he thought, might be fairly retorted upon those, who having last night wished to appoint one committee now wished to have two. But his principal objection was, the perplexity which two committees would occasion. Both would have to inquire into the immediate cause. If both should examine the same witnesses and call for the same documents, they must

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mutually retard each other's proceedings. If the reports of both should alternately agree in this point, there would have been an unnecessary and inconvenient delay on a subject peculiarly pressing. If there should be any material variation between the two reports, laid together on the table, a third committee must be chosen to decide between the former two; and the situation of the House would be still worse, if one report having been early made, the House should take any legislative measure upon that, and what they had done should afterwards be impeached by another report from the secret committee. It would be most expedient therefore to wait till the committee already appointed, had fully discharged all its present functions, and then to consider in what manner the general inquiry into the causes should be conducted.—As a reason for proceeding to institute a new committee, the present had been said to be chosen through corrupt influence; and a list had been read, which, it was prophesied, would be found to contain the names of the actual members, when the result of the scrutiny into the ballot should be declared. He did not himself know whether any list had been circulated really containing those names. But what was admitted about the list, was enough to satisfy him. It had been distinctly allowed, that all the names were highly respectable. Now, the only argument, which the right hon. mover had himself urged for preferring an open nomination to a ballot, was the opportunity of objecting to any improper person; but it was confessed that not only that end had been attained in the present instance, but a positively good committee had been procured, of men possessing ability, integrity, and every other requisite for the public service. He should never be in haste to reform ancient practices which drew after them such beneficial consequences; he should rather cherish the corruption which produced such purity. Indeed, the open nomination which had been proposed, was no less subject to influence than a ballot. It mattered little whether one right hon. gentleman, or the other publicly named a person to the choice of the House, or put his name written on a slip of paper, into the hand of his next neighbour; they who voted, or they who ballotted, would equally pay regard to the authority of the proposer. But the precedent, to which reference had been made, showed the real nature of the intended nomination. On that occasion the two right hon. gentlemen on the opposite sides of the House alternately named a member. If that practice should once be established, it would not merely vilify and degrade the House; it would wholly annihilate its character of a deliberative assembly; it would avowedly divide the House into two parties under two adverse chiefs; it would hold them forth to their constituents and the world, as sitting there to hear causes argued by two eloquent counsel, who might make compromises or references as their own interests, discretion, or convenience might dictate: a condition to which he trusted the House would never suffer itself to be reduced.—When the report of the committee should be on the table, if from their conduct any just objection could be advanced against any or all the members, he should feel himself at liberty to vote for a partial or a total change. He would never, he said, repose a blind confidence; but he would repose a general confidence; in particular cases, where the circumstances demanded it he would inquire; but he would never blindly rush into inquiry. In his opinion there was no more delicate consideration in the practice of our constitution than the precise point where confidence ought to end, and inquiry begin. Upon the wise application of both, in proper season, depended in our constitution that union of opposite excellencies, which some had thought chimerical, the secresy, dispatch and consistency of a pure monarchy with the cumulative impulse, weight, and force as well as the means which publicity affords of checking all abuses in a pure democracy.

Mr. *Courtenay* lamented the acuteness of his learned friend's feelings, as he had imagined that he was not of quite so nervous a frame. The delicacy of his feelings, however, had been disturbed by every thing which had occurred on that side of the House. The state of the country had agitated his feelings, the pleasantry of his hon. friend, by forcing him to laugh, had thrown him into so violent a tremor, that he had almost lost the power of speech. The learned doctor's feelings seemed to be of the texture of Tilburina, in the Critic, who was in continual alarm lest her feelings should be disturbed. He could not conceive how this uncommon delicacy had been produced, till he began to reflect that the innate modesty of the doctor must have been greatly strengthened and improved in Doctors'-commons in the

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nice examination of *crim. con.* transactions, and in the elucidations of subjects of divorce and separation *à mensa et thoro.*

The *Attorney General* pressed the necessity of an immediate decision by the committee. With respect to the appointment of a committee by ballot, it had been the uniform practice of our ancestors and the present was not the moment to treat it with disrespect.

Mr. *Bankes* said, that in the present crisis of the country it was very indifferent to him what committee was appointed, so that the question could be properly and truly examined; because he trusted that a committee of that House, whether nominated in the House or chosen by ballot, would do their duty; and as to the committee being (a majority of them at least) favourable to the politics of the minister, that appeared to him to be an objection of but little weight; for let the committee be chosen whatever way it might, it was natural that, as a part, it must have the general complexion of the whole. He made use of the list that was given to him before the ballot upon the committee, but he made use of his discretion also upon that list. He saw no impropriety in that list being given to him. The only doubt he had on the motion now before the House resolved itself into a question of time. If he was sure that the matter to be investigated by such a committee as was at present asked for, would not branch out into a length that would defeat the object that was now in view, and in which dispatch was so essential, he should be ready to agree to the motion. But he feared the length of time which the investigation would require, would be injurious, perhaps fatal, to the object which the House had in view. The question of the solidity of the bank would lie in a very narrow compass, and it could not be supposed that much time would be required to make a report. But with regard to the other question, namely, the causes of the present pressure, the matter was very different; the investigation must necessarily be of an intricate nature, and must take up much time as well as labour. It was a desirable thing to restore confidence to the people in our public affairs; and in order to do so, it would be necessary to go into the whole system of our finance. In the management and distribution of that finance there had been great expenditure; much of it he believed was unavoidable; but he should like to see tried what savings could be made.

The House divided:

Tellers.

Yeas	Mr. Sheridan - - - - Mr. Whitbread - - - -	67
Noes	The Lord Hawkesbury Mr. Sargent - - - -	161

So it passed in the negative.

Mr. Hobart then reported, that the following gentlemen were chosen to be members of the committee of Secrecy; viz. W. Hussey, Charles Grey, W. Plumer, T. Powys, T. Grenville, W. Wilberforce, J. Blackburn, T. B. Bramston, C. Bragge, sir J. Mitford, W. W. Bird, J. Fane, I. H. Browne, sir John Scott, and Alderman Anderson. Mr. Sheridan then moved, That the right hon. Charles James Fox be added to the said committee. Upon this the House divided: Yeas, 53; Noes, 140.

Debate in the Lords on appointing a Committee to examine the Outstanding Demands on the Bank.] Feb. 28. The order of the day being read for taking his Majesty's Message into consideration,

Lord *Grenville* said, he had but little to trouble their lordships with by way of preface to the motions which he would have the honour to submit to them. As to the first, which was merely an address of thanks to his majesty for his gracious communication, and assuring him, that their lordships would take it into their serious and immediate consideration, there would be, he believed, but one opinion. On the next point, it was almost unnecessary to state, that a full investigation ought to take place on the important business to which the message alluded. It was with much satisfaction he stated his opinion to be, that the result of such an investigation would satisfactorily prove, that the Bank, upon a due comparison between the amount of its outstanding debts and engagements, and the assets actually in their possession, would be found to be in a most flourishing situation. It was his intention to move, that the committee should be a secret one. He then moved an Address similar to that moved this day in the House of Commons by Mr. Pitt.

The Duke of *Grafton* did not rise to oppose the Address. He could have wished, however, that the noble secretary of state had said something to show that

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ministers had been driven to it by imperious necessity, and considered it as an act of their own, not as a measure of state springing out of the legal exercise of the prerogative of the crown: that there was no choice before they assented to the miserable expedient, and went the extreme length of a measure founded in an assumption of power unknown to the laws and constitution of the country, and that they were aware it would be necessary to follow the measure up with a bill of indemnity. Till an act of indemnity was obtained, it was competent to every holder of a bank note, who when he presented it for payment, was refused money at the bank, to bring an action against the Bank Directors,

Lord *Grenville* said, that ministers had adopted the measure on the ground of state necessity, but it was clear the bank were not bound in law to act upon that order; he thought, however, that they had done wisely, and usefully for the public, in having immediately taken the step, which their lordships had seen, and the spirited and patriotic resolutions of the bankers and merchants who had held meetings on the subject, proved the sense they entertained of the salutariness of the measure. With regard to a bill of indemnity, it would be for their lordships after they had gone through the whole of the subject, to decide whether it was necessary or not.

The Earl of *Guilford* had no objection to the address. With regard to the second motion, many things might come out before the committee, that ought to be kept secret, but there were parts of the inquiry which by no means required secrecy; on the contrary they ought to be made as public as possible. If the bank was in such a flourishing state as was represented, it ought to be laid before the public, for the purpose of removing all ground of suspicion.

The Address being agreed to *nem. dis.* lord Grenville next moved, "That a Secret Committee, consisting of nine lords only, to be ballotted for, be appointed to examine and state the total amount of Outstanding Demands on the Bank of England, and likewise of the Funds for discharging the same, and to report the result thereof to the House, together with their opinion on the necessity of providing for the confirmation and continuance of measures taken in pursuance of the minutes of council, on the 26th instant."

The Duke of *Bedford* objected to the committee being a secret one. He did not think their lordships ought to determine a question of such immense importance, on the report of nine lords, be they who they might. Of the real exigency which induced ministers to issue the Order of Council, he should not speak, because he was not possessed of information to enable him to form a proper judgment of it. The noble secretary of state had, however, mentioned the public mind being agitated and alarmed by unfounded and exaggerated reports of an invasion. Who, he would ask, were the first propagators of those reports? Ministers themselves. They had given every degree of currency to the reports of invasion, and now they came and prefaced the necessity of the present unexampled measure, by alleging that the minds of the people were agitated and alarmed by unfounded and exaggerated reports of an invasion! He thought the words in the motion, after the word "House," ought to be left out; and moved accordingly.

Lord *Grenville* said, he would oppose the amendment, as it tended to take away an essential part of the original motion, and render the others of little use.

The Duke of *Norfolk* objected to a secret committee. If the bank was equal to all demands, it was for their honour that there should be no concealment. Any thing like secrecy would make a serious impression without doors.

The Duke of *Grafton* was decidedly against the secrecy of the committee, and also against any report by the committee, on the necessity of confirming and continuing the measure adopted in the minute of council.

The Marquis of *Lansdown* said, he had long foreseen and foretold the present exigency. Noble lords would do him the justice to recollect, that not one session had passed over since 1793, in which he had not, to use a vulgar but a strong expression, bored their lordships with his prophetic admonitions. His mind had been early taught a most sacred reverence for that most delicate and indefinite thing, called public credit. A small pamphlet, but a most able one, had been put into his hands and recommended to his study: it was the production of a great and distinguished member of parliament, Harley, earl of Oxford. That noble author illustrated the nature of public credit by saying, that it was to the people of Great

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Britain what the soul of man was to his body. It was pure soul: it was immaterial in itself, and yet it was that which gave to substance its functions. It was not the cause, but the effect; it flowed from the happy organization of all the parts of the material body. It was not to be created; it was not to be forced: its precise seat in the body politic could not be discovered; it at once pervaded over and proceeded out of the whole. It both gave and received its animation and its existence. It was not property, for no branch of the body could call it its own. It was not the king's credit; it was not the credit of parliament; it was public credit. It was that thing which sprung from the happy concoction of all the vital juices of the national frame, which proceeded from the nice distribution of our parts, and their mutual co-operation; which gave to the national system a sympathetic connexion, a unity of action, a correspondence and promptitude, which in matter of finance is known by the name of punctuality. This public credit was the soul of England; it was that which had carried the nation to a height infinitely beyond its numerical power. It was our credit that set all the calculations of political arithmetic at defiance; it derided the cold diffidence of those who judged of our means by the geographical limits of the island, or the visible number of its people. Public credit did not even look to security as its basis, it always connected security with punctuality. Many noble lords with their 20,000*l.* a year would find it difficult to procure the loan of 1,000*l.* on an emergency, though they had perfect security to offer, when a neighbouring tradesman, with a capital of, perhaps, only a few hundreds, would find the loan with facility. Why was this? It was the known punctuality of the one placed against the known want of punctuality in the other: it was because the lender knew that the merchant was tenacious of a credit about which the nobleman was indifferent. This was the character of England. This it was that had distinguished us from all the other nations of the earth, and particularly from France: there, every thing had depended on the king's credit; here, all dependance was on the nation: there a disorganized spirit of expense sheltered itself under the credit of the grand monarque; here, every thing contributed to, as every thing flowed again from, the fountain of public credit; and the administration of the country was, in reality, nothing more than a committee for the management of this credit. To ascribe the shock that had been given to it to the idle stories of unfounded and exaggerated alarms, was ridiculous. It proceeded from deep, progressive, accumulated causes. It was material to endeavour to ascertain the causes that had brought us to this dilemma. One cause was manifest—the inordinate increase of expense, of places and establishments in every corner of the empire. This had been growing to a height beyond every thing that the mind could conceive; it was incredible and scandalous; the increase of fees, of salaries, of places and pensions, of new boards of commission, and new appointments of all kinds, had not only served to open all the gates of waste and profusion, but to beat down and destroy all the checks of controul, and all the means of correction.—Another cause of our present shock was, undoubtedly, the war: it was contemptible to say, that sending money out of the kingdom did not make us poorer: it was contemptible to tell us, that, because it did not go forth in specie, it was therefore no diminution of our wealth; it was a great fatal source of decrease, it diminished the reproductive power of the country, and it was found in the annual deficiencies of our revenue, which again became another cause of the present dilemma; for the minister had, year after year, to practise new expedients for the concealment or the supply of this deficiency; and thus it was that, year after year, they had been kept in a state of delusion, which, more than any thing else, was mortal to the delicate frame of public credit. Good God! what a scene was opened to the eyes of Englishmen. He did not dare to approach the measure of Sunday last; he had not yet ceased to shudder at it; he would not dare to say one word as to its prudence; he only would admonish their lordships, that upon the conduct of the legislature, in this momentous crisis, depended the fate of England. He had the utmost confidence in the Bank of England; their probity and their ability were undoubted; it was totally indifferent to him whether there was a secret committee or not; he was confident that they could safely come to the bar of that House and prove, in the face of the world, that they were equal to all their own engagements;

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that they dreaded nothing but the interference of the state, and this interference it would be well for their lordships to guard against. This was the rock upon which alone we could split. To the report of a committee of nine noble lords, who should confine themselves to the single object of examining the ability of this company, he had no objection; in his mind, too, it ought to be a secret committee, not because there ought not to be the utmost publicity in every thing that regarded the pecuniary state and circumstances of the nation, but because the Bank was a private company, and parliament had no right to pry into their affairs. Taking it for granted, however, that it was at their own express desire, he had no objection to the appointment of a committee of nine lords, who should strictly confine themselves to the examination of their funds and their engagements — no farther. All the latter part of the motion he must object to. The only way in which the measure could be countenanced, was as a measure of persuasion: he was sorry to have seen in the order of council so improper a term as the word "require;" it was a word unknown to the law, and which ought not to have been used; it was an importation from France. Requisition carried with it the idea of terror, which could only be carried on by force. It ought to have been a recommendation. The first error must be repaired; if an attempt shall be made to use force, we are gone as a people. "Mark my prophecy, my lords," exclaimed the noble marquis, "and do not disdain the counsel, while yet in time. If you attempt to make bank notes a legal tender, their credit will perish. They may go on for a time; but the consequence is certain. No art, no skill, no power, can prevent their falling to a discount. We do not speak upon conjecture; the thing is matter of experience. A fever is as much a fever in London as in Paris or Amsterdam; and the consequences of a stoppage of payment must be the same in whatever country it shall happen. The fall will be slow, perhaps, and gradual for a time; but it will be certain. A few months may bring to the recollection of your lordships with contrition, the prophecy that I have now made to you." In meditating on the consequences of the measure that morning, many horrible effects had presented themselves to his mind. The danger that they had to apprehend from forgery, was none of the least of the evils; we should have the re-action of the blow we had struck at France; we had made our base instruments adepts in the science, and it was not to be expected that they would suffer the opportunity to pass unimproved. Another evil was, that of jobbing in bills and money. Adventurers of all descriptions would start up, the precious metals would disappear, and every article would bear two prices, one for money, and one for paper. Another, and a monstrous evil would be, that it would open the door to unlimited expenditure, and we should have not merely a continuance of the war, but all the frantic and delusive expeditions which were now projected would be fatally put into execution. He warned ministers against all this. He warned them against the folly of attempting the Spanish South-American possessions. In three or four years they would fall away from Spain themselves; a greater good could not be done to Spain than to relieve them from the curse of these settlements, and make them an industrious people like their neighbours. A greater evil could not happen to England than to add them to our already over-grown possessions.

The *Lord Chancellor* said, that it had never entered into the contemplation of ministers to use any forcible means. It was impossible to say what plan the wisdom of the legislature might devise, upon the report of the committee; but he could take upon himself to say, that it never yet had been conceived that it would be wise or prudent to make bank notes a legal tender.

Lord *Grenville* confirmed the declaration that ministers had it not in contemplation to coerce the acceptance of bank notes.

The question being put, Whether the words proposed to be left out shall stand part of the question? the House divided: Contents, 78; Not-Contents, 12. The original motion was then agreed to.

March 2. A committee was appointed consisting of lords Chatham, Winchelsea, Graham, Hardwicke, Liverpool, Sydney, Grenville, Ossory, and De Dunstanville.

END OF VOL. XXXII.

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